

Vol. 9
NO. XL.

THE
CHRISTIAN EXAMINER
AND
GENERAL REVIEW.

NEW SERIES.—NO. X.

SEPTEMBER, 1830.

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The History of the Life and Opinions of the APOSTLE PAUL. By the Editor of Evangelical History; the Author of Remarks on the Miraculous Character of Christ; the Apostles' Doctrine, &c., &c.

ALSO,

A SERMON, preached in Boston, Aug. 1, 1830, the Lord's Day after the Decease of the Hon. ISAAC PARKER, Chief Justice of Massachusetts. By J. G. PALFREY, A. M., Pastor of the Church in Brattle Square.

ALSO,

The 'Deep Things of the Gospel,' a Discourse delivered at the Ordination of the Rev. GEORGE PUTNAM, as Colleague Pastor with Rev. Eliphalet Porter, D. D., over the First Church in Roxbury. By ORVILLE DEWEY, Pastor of the First Congregational Church in New Bedford.

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In the common Version, conformed to Griesbach's Standard Greek Text.

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GRAY & BOWEN have just published a second edition of QUESTIONS ON SELECT PORTIONS OF THE FOUR EVANGELISTS,

WITH REFERENCES TO THE SCRIPTURES FOR ANSWERS.

By Rev. JOSEPH ALLEN, Northboro', Mass.

The rapid sale of this valuable Sunday School book, has induced the publishers to stereotype it. Among the improvements in this edition will be a series of Questions, to be answered by reference to the Map of Palestine accompanying the work.

THE CHRISTIAN EXAMINER.

NO. XL.

NEW SERIES—NO. X.

SEPTEMBER, 1830.

ART. I. *Difficulties in Parishes.* For the Christian Examiner.

IN accounting for the order, intelligence and sobriety generally observable among the people of New England, practical men always mention among other causes, and as second only to the institution of free schools, the institution of regular and compact parishes. These have provided effectually for the free, easy, and independent support of religious worship, which, under some form or other, is believed to be absolutely indispensable to the well-being of a state. The patriot, therefore, as well as the Christian, should look with alarm on the reckless spirit with which the harmony and integrity of our parishes have, of late years, been sacrificed to mistaken notions of economy, to local disputes and misunderstandings, and still more frequently to personal or party triumph. Fully to understand this subject, it will be necessary to begin by glancing at the history of these institutions, and particularly in Massachusetts.

As New England was settled with religious, rather than with commercial or even political views, we are not surprised to find that the earliest attention was paid to the moral and religious wants of the people. The Plymouth Pilgrims formed themselves into a religious community, and provided themselves with a minister, before embarking for this country. When Endicot and his company fixed themselves at Salem, one of the first houses which they reared in the wilderness was for social

worship; and almost immediately on the arrival of a minister, they took measures for his ordination and support. Afterwards, when another company of colonists came, under Governor Winthrop, their first Court of Assistants, as it was called, was held in Charlestown, at which the first thing propounded was, how their ministers should be maintained. Towns and villages were planted from time to time in other places, and in every case, as soon as a sufficient number of persons were collected for the purpose, means were provided for social worship, and public instruction in morals and religion. This they did, as they said, 'that so the name of the Lord our God being known in our dwellings, and exalted in our gates, he may still delight in us, to continue his favorable presence with us, and our unparalleled enjoyments, both temporal and spiritual, which, through the rich mercy of God in Christ, hitherto we have enjoyed; and not be provoked through our profane slights and despising thereof, to bereave us and our posterities of such choice mercies.' The expense, thus incurred, was defrayed at first by a voluntary contribution, and this continued to be the practice in Boston; but, in the country towns, it was soon found necessary to make it a public charge, and assess and collect it like the other taxes; and a law was passed for this purpose as early as 1654. So determined was the government, that no town should be without the benefit of religious institutions, that, by another law, in 1692, the Court of Sessions in every county was authorised, in case any town neglected to provide themselves with a minister, to put one over them, fix his salary, and levy it as a tax on the inhabitants.

For a long time the right of electing and dismissing the minister was in the hands of the church members exclusively; and it was expressly declared by statute, October 1668, that the minister thus elected was minister, not to the church only, but to the whole population of the place, all of whom were required to attend on his ministry, and contribute to his support. In the beginning there was no peculiar hardship or injustice in this practice, as the first planters were, almost without exception, communicants. The law required, therefore, little more than this;—that the same persons should support a minister as inhabitants of the town, whom they had previously called to that office as members of the church. Besides, until 1665 none but church members were freemen, or citizens, and having no voice in the choice of civil officers, or in the affairs of the town,

they could hardly expect it in the choice of a minister, or in the affairs of the parish. Citizenship, however, was now extended to freeholders who were not communicants, and, meanwhile, a second and third generation were growing up with different habits and feelings; the consequence of which was, that, toward the close of the century, the communicants, instead of comprising all the legal voters in the parish, comprised but a part, and, in some places, but a minority. Under this change of circumstances, it was regarded as manifestly inconsistent and oppressive, that a whole parish should be compelled to support a minister, whom a majority of them, perhaps, had had no voice in electing, nay, when to a majority of them he was, perhaps, personally odious. Hence arose what has been termed the Parish Controversy, which was carried on for several years with considerable heat and violence on both sides. In 1692 the parishes triumphed; for, in this year, a law was passed declaring, 'that every minister, being a person of good conversation, able, learned, and orthodox, that shall be chosen by the major part of the inhabitants in any town, at a town meeting duly warned for that purpose, (notice thereof being given to the inhabitants fifteen days before the time of such meeting), shall be minister of such town, and the whole town shall be obliged to pay towards his settlement and maintenance, each man his several proportion.' The next General Court repealed this law, it is true, because of its inapplicability, as the statute recites, 'in divers towns, wherein there are more churches than one, and inconveniences attending the same not so well before seen.' But, after having repealed the existing law, for the reasons stated, they go on to pass another, securing to the parish the right of a concurrent vote. The church, as a church, must still lead in the election, by giving the candidate a call; but this act had no force, until the parish, as a parish, had voted to concur. It was further ordained, in 1695, that if a parish should refuse, in any case, to concur with the church in the election of a minister, the church might convoke an ecclesiastical council, and the approbation of this council, regularly called and conducted, would make the election legal and valid. This strange provision grew, perhaps, out of the feverishness of the times, or out of some temporary reaction in favor of the churches, or, more probably still, out of a fear, that parishes, from an unwillingness to incur the expense, might, in some cases, persist in exercising their veto, to prevent the set-

tlement of any minister. At any rate, the intrinsic odiousness of the law, or the circumstance that it was never intended but to be held up *in terrorem*, appears to have made it a dead letter from the beginning ; for we do not find that it was ever enforced, or appealed to, in a single instance.

Such was the law at the adoption of the present Constitution of the State, in 1780, which, as is well known, by the third article of the Bill of Rights, guaranties to every parish or religious society, as they are exclusively responsible for the support of the minister, the exclusive right of electing him. Respect for an ancient usage, it is true, has, until lately, induced parishes almost universally to concede to the church the privilege of leading in the choice of a minister, and voting as a separate body. The church, however, in law, has no such right, and can claim it only as a matter of courtesy ; for the parish is competent to call and settle a minister, not only without the consent of the church, but against the declared wishes and solemn remonstrance of every member of it. Communicants, of course, are not excluded from voting in the choice of a minister, for they have a right to vote, and do vote, as members of the parish ; but the Constitution bars their right of voting twice on the same question, first in one capacity, and then in another. By enlarging the powers of parishes, however, it was not in the contemplation of government to release them, directly or indirectly, from the obligation to support religious institutions. Long afterwards, by a law still unrepealed, 'every corporate town, parish, precinct, district, and other body politic or religious society,' is required to be 'constantly provided with a public Protestant teacher of piety, religion, and morality ;' and, in case any town, parish, or religious society neglects to make such provision for three months in six, it is liable to a fine of from thirty to sixty dollars, and to a fine of from sixty to one hundred dollars for every repetition of the offence.

When the Constitution was adopted, most of the parishes in the Commonwealth consisted exclusively of persons living within certain territorial limits. But the rise and spread of various sects soon led to the rapid multiplication of Poll Parishes ; by which are meant parishes composed of persons living in different parts of the same town, or of neighbouring towns, who voluntarily unite for the support of religious worship, without respect to territorial limits of any kind, and sometimes even without much respect to vicinage. Nine tenths of the parishes

in the State are now virtually of this description, though in every town or precinct the first or oldest parish is understood to include all those who live within the limits of the town or precinct, and have not formally connected themselves with any other religious society. The laws, down to the commencement of the present century, threw many obstacles in the way of those who wished to leave the parish in which they were educated, and attach themselves to another, and made it necessary for them to obtain a formal license to do it from the General Court. Since that time it seems to have been the policy of the Legislature gradually to remove these obstacles, probably from the influence of sectaries in that body, or because such a change was thought to be required by justice or liberality, or as a party expedient. Accordingly, by a law passed in January 1800, and still more clearly and decisively by the Religious Freedom Act, as it is called, of 1811, it was ordained, that any citizen, merely on filing a certificate with the parish clerk, might leave one society and join another, on the ground that he was of a different religious sect or denomination. The same things are provided for still more effectually in the statute of 1823—the present law, which enacts that any person may at will, and merely on filing a certificate of the fact with the parish clerk, separate from one religious society, and connect himself with another, either of the same, or of a different sect, persuasion, or name. It even protects the property of non-residents, by declaring that no person shall ‘be liable to pay any tax for the support of public worship, or other parochial charges, to any parish, precinct, or religious society other than that of which he is a member.’ The Legislature also relinquishes all control over the multiplication of new parishes or religious societies, by making it competent for any ten or more legal voters, without an act of incorporation, to form themselves into such a society, merely by complying with certain legal forms in calling the first meeting.

We are next to notice, historically, some of the principal attempts, which have been made since the first settlement of the State, to disturb and break up regular parishes, and those especially of the Congregational order.

Most writers have been lavish in abuse of our forefathers, for their severe and intolerant measures against sectaries. It is but fair, however, in condemning the persecutors, to make allowance for the provocations which they received. The zeal-

ots, who began the troubles in the New England churches, were violent and headstrong men, who were not content with peaceably holding their own opinions, nor yet with calmly and modestly avowing and defending them, but saw fit, also, rudely to assail the religious institutions of the country. It was this which roused, not only the bigots, but the experienced and sober-minded statesmen, who, whatever might be said about the doctrines of Christianity, were not willing to see its institutions broken up and destroyed. They thought, and not without reason, that religious institutions, of some kind or other, were of the utmost importance, not only in a religious, but in a moral and political point of view; and they also believed that the parishes, as by law established, were the only effectual provision for this object, that would or could be made. This conviction often hurried them into extreme measures against whatever menaced the harmony or stability of the Congregational parishes. But it suggests, at the same time, as it seems to us, the best apology of which their conduct admits, proving that they were not actuated by bigotry alone, but by what they conceived to be a sound policy. It was not merely because the existing parishes were Congregational parishes, that many of them were so eager to beat back sectaries, but because they were the only existing parishes; and if these were broken up and destroyed, there would probably be nothing to supply their place, and the religious institutions of the country would be thrown into irretrievable disorder.

The first serious disturbance which the churches suffered, was that occasioned, in their very infancy, by Mrs Hutchinson and her followers. These uneasy and disaffected zealots sent their emissaries into every society, who insinuated themselves into the confidence of well-disposed, but weak-minded people, and exerted the influence thus obtained in fomenting differences, and undermining the good opinion generally entertained of the regular ministers and their preaching. It was a knowledge of these arts, and that they were constantly intriguing to disturb and break up the regular parishes, a thousand times more than their Antinomian errors, which awoke against them the public vengeance; and they were put down. The same is also true of Gorton, and the Familists, as they were called, and also of the first Quakers; for these fanatics were banished, or otherwise punished, not for their opinions merely, but as fierce or unmanageable disorganizers. Our fathers, at an in-

credible expense of toil, and tears, and blood, had succeeded in establishing civil and religious institutions, under the influence of which the wilderness had been converted into a fruitful garden. Was it to be expected, that they would let the boar out of the wood waste it, and the wild beast of the field devour it?

Next came the Baptists, a respectable sect, it is true, and one which has always numbered among its members some of the best men in the community. Still, it cannot be denied, that their first preachers amongst us, and those especially who scoured the country as missionaries, were, many of them, extremely ignorant, endeavouring to make up in zeal and clamor what they wanted in real weight and respectability. For a long time they poured out the bitterest scorn on human learning, considered as a preparation for the ministry, and launched their fiercest denunciations against older, wiser, and better men than themselves, whom they were pleased to stigmatize as hireling preachers; and by such proceedings offended and disgusted the judicious and sober-minded, almost to a man. If they were sometimes handled roughly, it was no more than what they had defied, and courted; and in some cases, we must say, richly deserved; not indeed for their opinions, or for avowing and propagating their opinions, but as disorganizers and incendiaries.

The first coming of Whitefield, in 1740, was another occasion on which the great body of the people and ministers rallied in support of existing religious institutions. It is true, the passage of this extraordinary man through the province, was almost like a continued triumph. But, when it was found that dissensions arose wherever he came; that he openly vilified the colleges and the clergy, and proposed himself as an example and patron of every kind of ecclesiastical irregularity,—the good sense of the people threw off the delusion, and a reaction took place, which saved the Congregational churches. Calvinists and Arminians, Trinitarians and Unitarians, felt that it was high time to combine their forces against men, who, whatever might be their pretensions to sincerity and piety, were certainly acting the part of disorganizers and schismatics. Time would fail us to speak of the Episcopalians, who advanced but slowly, as if opposed by the very genius of our institutions; of the Methodists, who came in upon us like a flood; or, lastly, of the Universalists, who, though comparatively a

recent sect, are now thought by some to have, or to be rapidly gaining a political influence equal to that of any other denomination. These sects had, of course, an undoubted right, and perhaps it was their duty, to use all fair and reasonable efforts and expedients for the diffusion of their sentiments. Still, as it seems to us, every friend of order, either in church or state, must regret the issue, when these endeavours have had no other effect than to disturb and break up the religious institutions already in existence, without establishing any others in their place. Any Christian, who has the good of his fellow-creatures at heart, will find but poor consolation for the failure of his plans, in reflecting, that, at any rate, he has broken up and destroyed the regular provision which the people had previously enjoyed for instruction in morals and piety.

After all, the mortal wound inflicted on Congregational ascendancy, was inflicted, as such wounds commonly are, in the house of its friends. From time immemorial, ministers and churches of this denomination had been of different persuasions on points deemed by some fundamental. This, however, though sometimes the occasion of sharp controversies, and partial and local estrangements, had never led to anything like a dismemberment of the sect. But, in 1814 and 1815, several publications appeared, impeaching the orthodoxy of some of the Congregational clergy, and accusing them of practising dishonest concealments, and calling on the people, in the words of the apostle,—‘Wherefore, come out from among them, and be ye separate, and touch not the unclean thing.’ From that hour the ascendancy of Congregationalists, for some time the sole, and until then the predominant sect, was at an end in this State. The house was divided against itself, and it fell.

In consequence of this passion for division and separation, a large proportion of the parishes throughout the country have been disturbed and rent. We are far from meaning to intimate that this state of things has been productive of nothing but unmixed evil. Good has resulted from it, and evil has resulted from it; and these we would weigh, one against the other, as calmly and dispassionately as we can.

In the first place, it is said that this state of things is peculiarly favorable to religious liberty. To compel a whole town, against their will, to worship together, and support the same minister, would be an infringement on their liberty; and for

this reason it ought never to be attempted by the Legislature.— But if a whole town can be convinced, notwithstanding the difference in their tastes and opinions, that it is advisable for them to unite in the support of religious institutions, and can be persuaded to do so of their own accord, this is no infringement on liberty. Nay, it is liberty itself; for, after all, it is but acting out their own pleasure. The present state of things may, therefore, be more favorable to religious liberty, than that which formerly existed in New England, when every man was compelled by law to support the established worship. But no liberal minded man wishes to see the policy of that day revived. All that he can desire is, that, in small towns, there may be a voluntary amalgamation of sects, so far as is necessary for the respectable and independent support of religious institutions. Now if this amalgamation is voluntary, of course, we repeat, it is no infringement on liberty, but only one way in which men exercise their liberty;—by doing as they think fit. Besides, it should be considered, that, though the multiplication of churches of different denominations may serve to make sects more independent on one another, it will not make individuals more independent on sects; and this, as it seems to us, is the quarter whence religious liberty has most to apprehend at the present day. The jealousies, collisions, and rivalships of these little societies, are adapted to excite and bring into intense action the sectarian principle; and where this principle is thus excited and brought into intense action, it is oftentimes as injurious to individual freedom, and in some respects still more so, than a national religion. Men are trained to think the thoughts, and say the words, and cooperate in the plans of a sect; and they do not, and they dare not, act themselves. Everybody is quick to discern and condemn this mischief in other sects, and nothing but a want of reflection or magnanimity prevents him from seeing and confessing it in his own.

Again, it is said, that the present state of things is peculiarly favorable to the discovery and dissemination of religious truth, as it affords the people an opportunity for hearing what can be said on both sides.—This, however, is a privilege, which, even if men would avail themselves of it, is not so important and necessary now, as it used to be formerly, when they had to depend almost exclusively on the pulpit for their information on religious subjects. The almost endless multiplication of tracts, and other cheap publications, has put into the hands of all class-

es the ablest expositions and defences of disputed dogmas. As the press, therefore, is supplying us so liberally with doctrinal and controversial discussions, is it not better that the people should look to that source chiefly, for their knowledge of this description? Is it not better, under these circumstances, that the pulpit should be given, for the most part, to the inculcation of those practical and devotional topics in which all can unite? Besides, is it quite certain that in consequence of thus setting up altar against altar, and pulpit against pulpit, the people will in fact be more likely to hear both sides? On the contrary, so far as this system of exclusion and separation has been carried into effect, has not the practical result been, at least in many places, to make persons less and less disposed either to hear, or read, the arguments of their opponents? Each party has become a little better drilled, perhaps, in its distinctive tenets and watchwords; but this has had the effect, as might have been expected, to obstruct, rather than promote, liberal inquiry, enlarged views, and thorough investigation. The popular religious publications, the preaching, and the conversation of religious people, evince how few and narrow are the subjects, especially in practical religion, on which the bulk of the community are at all enlightened. In this respect, society has been retrograding since the days of Doddridge and Watts.

Others rejoice in the present state of things, because, as they say, it has given a death-blow to priestcraft, and the unjust domination of the clergy.—That there is such a thing as priestcraft, and that the people should be jealous of its encroachments, is readily conceded. But priestcraft is not the only thing of which they should be jealous. Persons who have anything at stake dependent for its security on the public morals, would do well to consider, whether, at present, they have not quite as much to apprehend from the radical and disorganizing principles of those who are loudest in the hue and cry against priestcraft, as from priestcraft itself. It becomes us also, in this connexion, to distinguish between a due and an undue influence of the clergy; for that they are intended and wished to exert some influence, is manifest; else why are they appointed and paid? We are willing to confess that a contempt for the clergy, wherever it exists, is an evil which the clergy commonly bring on themselves by their scandals, or their officiousness. Still the evil, however created, is a public evil, as it must essentially impair the benefit of their public labors, especially in

regard to the young. If, therefore, which is but too apparent, it is the tendency of the present state of things to bring the clergy, as a body, into contempt, and make the whole profession a subject of disparaging insinuations and jealousies, and the butt of low and coarse jests,—if the very children are brought up to feel no respect for the sacred office, we say not whose is the fault, but we say the public suffers.—Besides, the broken and distracted state of our churches is particularly productive of that worst of pests, a managing and intriguing clergy. The ambitious and unprincipled minister studies all the arts of the politician, and avails himself of the prejudices and jealousies of a divided people, and in this way seeks and gains the personal consequence and influence, which he can no longer expect from the sanctity of his calling, or even from the purity of his life. It is a mistake to suppose that a death-blow has been given to priestcraft and clerical domination. When, since the first settlement of the country, had ministers more control over the purses of the people? When had they the wielding of more powerful combinations? When were they at the bottom of more domestic differences and popular excitements? When had they, as a body, less of the peaceful and simple-hearted scholar and pastor, or more of the man of business, the manager and the politician?

It is also said, that the present state of things secures a balance of power among the rival sects, the different religious societies acting as guards and checks on one another.—There is some weight, undoubtedly, in this suggestion. But will it call into action the best feelings on either side, to set one party to watch for the halting of the other, and to meet every manœuvre and stratagem of their opponents by a counter manœuvre and stratagem? At best it is but availing ourselves of one evil to counteract or qualify a still greater evil; and instead of attempting in this way to balance evil against evil, it certainly would be better, if it were practicable, to rid ourselves of both. This would be effected, at least in some good degree, if the people would consent to worship together, as formerly, on a more liberal and comprehensive plan. We multiply churches of different denominations to act as a check on intolerance. But is this wise, if it can be shown, as we believe it can, that this measure is quite as likely to prove only a new occasion of intolerance? What is more likely to make the inhabitants of a country town intolerant towards Unitarians, for example, than a

premature attempt to build up a Unitarian society, strongly against the wishes and interests of a great majority? We know, too, that, where, from this division and subdivision of sects, no one of them is strong enough to oppress the rest, there is nothing to prevent a combination of those sects which agree in what are termed fundamentals, to crush the common foe.

Another topic much insisted on, is, that the present state of things promotes a spirit of competition and rivalry among the different societies, in support of religious worship. More people attend church than otherwise would. Ministers exert themselves more, and their salaries are provided for, at the same time more cheerfully, and more liberally.—We admit that a favorable change of this description sometimes takes place immediately after the languor and monotony, which are apt to gather over long-established institutions, are broken in upon for the first time by schismatics. But is there no danger, that, even while the fervor lasts, strange fire will not unfrequently be burnt before the Lord, by those who worship him under circumstances of so much excitement and irritation? When the controversy was between Christianity and Paganism, Paul could rejoice in the labors of those who preached Christ, ‘even of envy and strife;’ but, now that the controversy is between one form of Christianity and another, it does not follow that he would regard with the same feelings those who preach up either, ‘of contention and not sincerely.’ Besides, what confidence can be placed either in the purity, or probable endurance, of a pretended zeal for God, which originates in no higher source than party feeling, or personal dislike, or mere vanity or pride? After the heats and differences of the day have in some measure subsided, and men have had time for cool reflection, is it likely that they will continue to meet the doubled and trebled demands for religious institutions without flinching? In a moment of passion men may neglect and spurn the calculations of self-interest; nevertheless, passion is no match for self-interest in the long run. In many of our towns three ministers are employed and supported to do what might be done as faithfully and effectually by one. Will the people, in such cases, continue willing to pay three times as much as is necessary for a public object? Even if they do, will this prevent it from being a needless waste of the public resources? Indeed, some towns already, by dividing their strength, have made themselves absolutely unable to support a single minister, without as-

sistance from abroad. Begging is resorted to; a means of supply, which, from its very nature, can hardly be counted on as permanent, and even while it lasts, is hardly consistent either with dignity or independence.

Money, however, we shall be told, is of no consequence in matters of such infinite concernment. The present state of things, some will say, has grown out of the honest convictions of the people, and scruples of conscience, which, of course, are not to be set aside by a regard to interest, convenience, or personal dignity.—That there are no instances to which this remark applies, we should be among the last to affirm. But those, who have studied the history of parish difficulties in New England, will be not a little surprised at the pretence, that they can generally be traced either to the power of conviction, or a sense of duty. In an evil hour the Congregational clergy saw fit to take strong ground on disputed questions in national politics; and this disgusted and drove off multitudes. Many also became uneasy under the pecuniary burdens, which the regular support of religious institutions necessarily imposed, and this contributed largely to the growing disaffection. Sometimes, too, it was a controversy about the location of a meeting-house, sometimes it was a personal dislike of the minister, and sometimes it was a quarrel with the parish officers, which sent people away. Meanwhile, and until very lately, the laws, by a strange oversight, made it necessary that those who left the regular parish, should join, and of course assist in building up, societies of a different denomination; and this, in a large majority of cases, will be found to have been the true origin of these societies, or at least of their rapid growth. To be sure, it is not easy to see how it follows, because the Congregational minister happens to be a dull preacher, or an uncomfortable neighbour, that therefore the Baptists are right; or because it is concluded to build the Congregational meeting-house on one side of the road, and not on the other, that therefore the Universalists are right; or because the Congregational parish committee will not abate one's taxes, that therefore the Methodists are right. With not a few, however, this seems to have been the reasoning, so far as there was any reasoning in the case, the rest being caprice, spleen, or the operation of an injudicious law.

We must deal sincerely with this topic. Of late, seceders have taken the high ground of conscience, and a real and im-

portant difference in opinion, as a reason and justification of dissent. But how exceedingly rare have been the instances in which difficulties of this sort have arisen in small and retired country parishes, except through the interference of neighbouring ministers, or the emissaries of some sectarian institution. The mass of the people, in such places, will hardly pretend that they are competent to decide those great controversies, which have agitated the christian world from the beginning. But they have chosen their leaders; they have connected themselves with different parties; they are told that they must separate, and they obey. It is with these wars in the church, as it often has been with wars between States. The people do the fighting, and defray the expense, and suffer most of the inconveniences; and this too, for questions which they do not understand, and in which they have no real interest, acting merely as instruments and tools in the hands of a few trusted men. Let it not be thought that these remarks are directed against a particular sect, or that they apply to all of any sect. We believe that the moderate and reflecting of every denomination will agree, that there are religious demagogues, as well as political demagogues; men who would lead the people to suspect that they have been duped by others, that they may make use of this suspicion in duping them themselves.

Once more; it may be contended, that whether these differences can be justified or not, they certainly exist; and so long as they do exist, it is impossible that the people should worship together in any harmony; and therefore, the sooner they separate, the better. After they have separated, wholly and entirely, there will be fewer collisions, fewer occasions of offence and disgust, fewer scenes of painful and disreputable altercation.—This suggestion may hold good in regard to cities and large towns, where there is room enough for the separate societies to exist and flourish without interfering with one another. But in the small towns and villages, if two or three societies are instituted, it immediately becomes a struggle of life and death which shall succeed, as only one can. Hence the coldness and estrangement originating in a mere difference in belief, are increased and embittered a hundred fold by an opposition of interests, by acts of open hostility, and by a thousand irritating circumstances growing out of the arts, employed on both sides, for gaining proselytes. The evils and inconveniences, too, which are now sometimes felt in worshipping and frequently

associating with Christians of other persuasions, may be traced for the most part to a want of that spirit of candor and compromise, which the general adoption of a more liberal and comprehensive plan of worship, would almost necessarily introduce. We talk about the impossibility of worshipping together in harmony—we assume it as something that must be, and in this way we create the impossibility.

Our conclusion, then, is, especially in regard to the great majority of the country towns, that in weighing the good and evil resulting from the present divided and broken state of our churches, the evil vastly preponderates. Perhaps we shall be told, that our proving this, even if we have proved it, is labor thrown away; because the evil, supposing it to be an evil, is a necessary one.—Grant it to be a necessary evil, something is done by unfolding its true character and tendency, that we may not call evil good. What is there, however, in the measure which we would propose, when separated from other questions with which it has sometimes been mixed up and confounded, that is absolutely hopeless and impracticable? Let us still have our controversies, and our parties, and, if needs be, our party names; but let us learn to take a more liberal and comprehensive view of the nature and objects of preaching and public worship, and of the principles on which they are to be conducted and supported. On all disputed points, let every man think for himself, let every man read for himself, let every man decide for himself; but what is there in this to prevent us from joining to support religious institutions, chiefly with a view to their moral and political uses? The people certainly can do it, if they please; and what reason have we to conclude, thus peremptorily, that they will not please to do it, if clear and solid arguments can be adduced to prove it to be expedient and right? We do not suppose, of course, that these arguments, or that any arguments, will convince everybody. There are those, whose tempers and talents only fit them for storms; there are those, who are conscious that they owe most of their consequence and influence to these unhappy dissensions and separations; there are those, who gain their daily bread by causing divisions and offences, and by catering for the bad passions thus excited and inflamed. It is hardly to be expected, of course, that arguments of any kind will make much impression on persons of this description. Let an angel from Heaven proclaim a general amnesty in our churches, and many

of them would probably denounce it as 'another gospel.'— But this is not the general character of the people of this country, nor of any sect or denomination amongst us. When we call to mind the manifest virtue and intelligence of the great body even of professed Exclusionists, we bear them witness, that, in their general habits and prevailing dispositions, they are sensible, practical, independent, and well-disposed. We cannot doubt, therefore, but that, as the miseries attendant on their system and its utter failure as a measure of policy are more and more exposed, they will be persuaded to reconsider the steps which they have taken, and return, as far as may be, to the liberal and compréhensive plan of worship and christian fellowship, recommended and practised by our fathers.

We would say to them, Brethren, you misunderstand us. We have deeply at heart a desire to save from decay and ruin the religious institutions of the country, because we believe them to be enjoined by God, and absolutely indispensable to public order, and the public conscience. We intreat you not to push your experiments so far as to bring into jeopardy the very existence of what used to be accounted one of the principal distinctions and privileges of New England,—her free, united and flourishing village churches. The Scriptures say, it is true, 'Can two walk together, except they be agreed?' But your own commentators will tell you that this passage means, Can two walk together, except they first agree to walk together? and this is precisely what we wish you to do, in those places, especially, where two religious societies cannot possibly exist and flourish. Again, the Scriptures say, 'A man that is an heretic, after the first and second admonition, reject.' But your own commentators will tell you, that in the language of the New Testament 'heretic' does not mean, one who holds erroneous opinions, but one who is factious and schismatical in asserting and propagating his opinions, no matter though his opinions, in themselves considered, be not erroneous. According to the injunction of the apostle, therefore, instead of rejecting a brother for an honest difference in opinion, modestly held and maintained, you ought rather to reject the man who is factious and schismatical enough to propose the step. Of course, you do not go to church, that you may subscribe yourselves slaves, expecting to assent blindly and unconditionally to whatever a fallible man shall utter. Can it be, then, that you have not confidence enough in your own faith, to trust yourselves to

hear occasionally what can be said on the other side? Do you not know that he who dares not hear and inquire, lest it should make him a skeptic, is a skeptic already? If you are afraid of being thought to countenance false doctrines by being present where they are sometimes preached, make no secret of your dissent. Avow yourselves Calvinists; read your Calvinistic books; bring up your children in that faith; exert whatever influence your character or information may fairly give you, to bring over the whole society to your way of thinking;—only give us back, at least in our retired country villages, the holy and peaceful days of New England, when neighbours and friends ‘took sweet counsel together, and walked to the house of God in company.’

The duties incumbent on Liberal Christians, in this exigency, are not less important, or less imperative. Where they are the majority, they will of course assert and exercise the rights of a majority, temperately and generously, but firmly. With the power in their own hands, they would, as friends of liberality, be idiots and traitors to submit to the impositions of those by whom this very liberality is denounced and spurned. Exclusionists, as a party, must show a disposition to worship with Liberal Christians on principles of a fair compromise, and to redeem the pledges given in such cases, before they can expect the latter to make any, even the smallest, concessions. Perhaps, however, they are the minority in a parish which respects neither their feelings nor their rights; they are excluded from the christian ordinances; they are not permitted to hear, even occasionally, the preachers whom they prefer; and the preachers whom they do hear, scruple not to bestow the most opprobrious epithets on their creed, and on every man of eminence who is known to hold and defend it. Under these provocations, too, if they are strong enough for the independent support of religious worship, they have a right, nay, it is their duty, to proceed immediately to establish a church of their own. But, in small towns and villages, this measure should be forborne until they have been driven to the utmost possible limit of christian endurance. It often happens that individuals of the greatest influence in an Exclusive parish are Unitarians, and are known to be so without suffering at all in the public estimation; and this influence they can exert, as opportunities offer, and in various ways, in recommending liberal principles and measures. But let them undertake permanently to build up in the town a

Unitarian society, and they will be immediately marked and shunned by many of their former friends; an opposition of interests, as well as of opinions, will arise; they will be hated, because they are feared, and every effort will be made to break down their influence, not only in religion, but in everything else. It is, moreover, desirable, in many respects, that a reform in religion should be silent and gradual, affecting communities as whole masses. This can take place, only where the leading and influential members of society continue mixed up with the rest, and retain their hold on the public sympathies in the great religious movements of the day.

We are no advocates for concealment, or for indefinite views; and we are not afraid, or ashamed, of the name which properly designates our views. Still, we should remember that our object is not to convert men to our party, but to our principles; and to our principles, not because they are ours, but because they are the truth. Unitarians have done more, and are doing more for the cause of truth, by promoting a real though gradual change for the better in the opinions of other sects, than by building up their own denomination. Their expositions of Calvinism, for example, have contributed, even among Calvinists themselves, to the avowed abandonment of many, and the virtual abandonment of still more, of the most offensive dogmas of the Genevan school. We do not measure the progress of Unitarianism, therefore, nor the good it is doing, by the number of Unitarian churches. Nay, a church which does not prosper, is a dead weight on the party to which it belongs,—a monument of its failure, and not of its success, bringing the cause into sharp collision with other interests, and discouraging all from connecting themselves in any way with a feeble, obnoxious, and discomfited opposition.

Some may think, perhaps, that if Unitarians continue to listen to Calvinistic preaching, they, or at least their families, will probably be won over to the prevailing errors. But is that preaching, which could not keep them in Calvinism, likely to convert them back to it? If a large and respectable minority of Unitarians have grown up under Calvinistic preaching, what reason have we for supposing, that they may not, in good time, and under the same preaching, become the majority? So circumstanced, they will, of course, feel more disposed than others to avail themselves of the instruction and encouragement to be derived from Unitarian publications, and take care to circulate

these publications among their neighbours ; and in this way the bad tendencies of the preaching will be in some measure counteracted, and its defects supplied. It may also allay our fears on this subject to remember, that more persons, at least in this country, have been made Unitarians by Calvinistic, than by Unitarian preaching ; and, indeed, to strong and discriminating minds, what better refutation of Calvinism can there be, than a full and fair exposition of all that it inculcates and implies ? Besides, what is the preaching of the pulpit, where people think for themselves, to the preaching of the Bible, and the preaching of nature, and the preaching of common sense ? Let the minority pursue the course which we have pointed out, and the simple fact of their moderation and liberality will preach, and powerfully recommend, their views to the intelligent, dispassionate, and well-disposed. Admit, however, that under the circumstances which we are considering, the mass of the people may, in some cases, retain a little longer their old names and old associations, still we protest, as has been hinted before, against the assumption, that none are Unitarians but those who call themselves so, and join the Unitarian party. It should be known that there are Unitarians everywhere, of all denominations, and in all connexions. The distinctness with which party lines are sometimes drawn, makes their passage so much the more a terror to the weak and timid, so much the more an innovation to the prejudiced and opinionated, and so much the more a risk to the time-serving and worldly-minded. Paradoxical as it may seem, we cannot help believing, that, but for the existence of a Unitarian sect, there could be no obstacle among a free, intelligent, and inquisitive people like ours, to the rapid, and universal prevalence of Unitarianism itself.

We are aware how much we expect from Unitarian minorities in small towns, when we conjure them, wronged and insulted as they have been, not to separate. They may say, and say with truth, that it is a misery to hear doctrines preached, Sunday after Sunday, which they can neither believe as true, nor respect for the ingenuity with which they are defended, and which sometimes outrage their best feelings. They may also insist on the bad moral tendency of hearing such preaching, as it must lead them insensibly to regard the whole subject of religion with less respect. They may further urge, that they have always shown a willingness to compromise existing

difficulties, but that they have no notion of a compromise, in which one party concedes everything, and the other nothing. Finally, they can say, that they have been literally driven off, and throw back the whole responsibility for the present state of things, and the evils that follow from it, on the authors and abettors of the Exclusive System.—All this is true; but it does not prevent the distraction and ruin of our churches from being a great public calamity, an evil of incalculable amount and extent, which, by a noble sacrifice of private feelings and private interests, they can do much to avert. Let it not be said, that the community cannot reap any advantage from religious institutions, so long as they are used as the instruments of error and intolerance. It is a perilous problem to solve, how far religion must be corrupted, before it ceases to be a public blessing. Bad as some systems appear, and are in theory, we still believe that there is no form of Christianity, as actually understood and held among us, which is not greatly to be preferred for its influence on the public morals, to a general skepticism and indifference. We repeat, moreover, again and again, that if the course which has been recommended be adopted and persisted in by Liberal Christians, it will, in the end, approve itself as politic, even in a sectarian point of view, as it is generous and public-spirited. This is not a community to be blinded and shackled forever. Sooner or later a re-action will take place in favor of the friends of peace and order, and the churches which they have saved by their moderation, will be given them by an over-ruling Providence, as the reward of their forbearance and magnanimity.

ART. II. *Professor Stuart's Remarks on an Article in the Christian Examiner, concerning the Meaning of the Expressions, 'Everlasting Punishment,' and 'Life Eternal,' in Matthew xxv. 46.—A Letter from the Writer of that Article.*

I HAVE read, with much interest, Professor Stuart's Dissertation in the 'Spirit of the Pilgrims' for August 1829, on the meaning of עולם in Hebrew, and αἰών and αἰώνιος, in scrip-

tural Greek. It is an interesting publication, and treats upon a subject of immense importance. It is not, however, my present object, to enter into a discussion of the whole subject, as presented in that dissertation. But, as Professor Stuart, at the close of his work, makes some observations on an article in the *Christian Examiner* for December, 1828, which, you are aware, was mine, I will state my thoughts concerning what he there says, confining myself to his remarks on that article.

At this distance of time, both the article itself, and Mr Stuart's remarks upon it, are very like to have been forgotten by many, if not all, who have ever seen them. Nevertheless, I will take liberty to recall the subject to your mind, and trust your patience to give a hearing to what may now be said. And, as I am simply expressing my own mind, and not speaking in the name of any body of men, sect, or party, I make no apology for using the epistolary mode of writing, or for employing the personal pronoun in the first person singular.

The remarks of Mr Stuart, on the article in the *Examiner*, are few and brief; probably as many, and as extensive, as he thought the subject required, or the object deserved—perhaps more so. But, while I acknowledge his civility in saying that the writer seems to be 'seriously inquiring after scriptural truth,' regard to truth requires me reluctantly to add, that I do not think he has treated the article itself, or the argument contained in it, with the high-minded fairness which might have been expected from him.

He begins by affirming, that I propose 'to render *αἰώνιος*, *spiritual*;' and declares my reason for so doing to be, 'that *Æons* (*Αἰώνες*) were counted as incorporeal, i. e. spiritual beings, and therefore *αἰώνιος* may mean *Æonic*, i. e. *spiritual*.'

This is an unfair statement of the case. To be sure, mention is made, in the article, of the ancient philosophic doctrine of the *Æons*, as showing good reason to believe, that the sense of *Æonic*, or *spiritual*, was probably a very ancient, if not the original meaning of *αἰώνιος*; i. e. in classical Greek; presuming it would be so understood, by those acquainted with the distinction between that and scriptural Greek. But, I nowhere attempt to prove, that *αἰώνιος* signifies *spiritual*, in the New Testament, because it was derived from *αἰών*, signifying an incorporeal or *spiritual* being. This derivation of the word is named in the article, as little other than an incidental circumstance, throwing some light on the question in discussion; and,

so far from being made the foundation of the argument, as Mr Stuart asserts it to be, it has so little connexion with it, that all which is said concerning the *Æons* might be stricken out, without affecting, at all, the true reasoning on the subject in hand.

My whole argument to prove that one meaning of *αἰώνιος*, in the New Testament, is *spiritual*, is founded on this; namely, that there are some passages in the New Testament, in which, from the connexion and circumstances, it is evident that the meaning of this word, in the mind of the inspired writer, is *spiritual*; and some texts, in which it cannot well be understood to mean anything else.

In order to prove this position, several texts are quoted, in which *αἰώνιος* cannot well be understood to signify anything else than *spiritual*; as 1 John, v. 11, 12; 1 John, iii. 15, &c. together with some other texts, in which this word does, most probably, mean *spiritual*, although the connexion does not so positively require it, as in those produced as above named.

All this, which is the only true argument, Mr Stuart leaves untouched. He does not attempt to show, that *αἰώνιος*, in these texts, does not contain the meaning assigned it in the article; i. e. *spiritual*. He nakedly affirms, that my reason for thus translating it, is, that '*Æons* (*Αἰώνες*) were counted as incorporeal, i. e. *spiritual*, beings; and therefore *αἰώνιος*, may mean *Æonic*, i. e. *spiritual*.' And he affirms it in such a manner, that his readers would infer this to be my only reason. This is exceedingly unfair; and seems much like evading the true point at issue. It is a mode of dealing, which was not to have been expected, from one so well provided as Professor Stuart, to meet a matter of this kind face to face.

In regard to the texts themselves, quoted in support of the position assumed, he perhaps thought it sufficient, that, in his previous dissertation, he had arranged them under what he judged their proper heads, and had there translated them, as he thought, correctly. With this he had a right to be satisfied, if he chose. But he had no right to represent me as founding my interpretation on a different ground from that on which I did found it; unless, which is not improbable, my modes of expression were so unfortunate, as to have left him to mistake my meaning.

He, subsequently, arranges his reasons for rejecting the '*exegesis* proffered,' under three heads; on each of which I will now offer you my remarks.

His *first* reason for rejecting the meaning of *spiritual*, as belonging to *alaiwios*, is, that it is greatly to be doubted, 'whether the Gnostic system, (the one from which the imagination of *Æons* sprung), had an existence, or, at any rate, was known in the western part of Asia, before the propagation of the gospel, or even at that period.' He also remarks, that, according to the Gnostics, the *Æons* 'were regarded as *secondary* or *derived divinities*, θεοὶ δευτεροί. There were spiritual beings above them, and below them. Why then,' he inquires, 'should *Æonic* be chosen to designate *spiritual*, any more than an adjective borrowed from the God above them, or the sub-divinities below them?'

I willingly admit the propriety of his doubt, so far as it relates to the Gnostic system's being known in the western parts of Asia, as one regularly organized, at the period above named. But, it cannot be doubted, that ideas of *spiritual existences*, similar to those which the Gnostics subsequently arranged into a definite system, existed, and were well known in every portion of the philosophic world, for some centuries before the Christian era. The Gnostic *system* is much more like to have originated from pre-existent notions of spiritual existences, than the imagination of those existences to have originated in the Gnostic system.

Neither can it easily be doubted, that *words*, expressing the then existing notions of spiritual beings, were widely current among the nations then existing; nor that, in the course of time, those words must have formed a part of the common language of the people; as almost all words, originating with philosophers, fall, at length, into common use.

In passing from philosophic to vulgar use, those words, in the common order of things, must have lost much of their precise philosophic signification, as expressing special distinctions, or specific kinds or orders of spiritual beings. In the minds of the mass of people, such words must, naturally, have come to signify *spiritual existences in general*, or things relating to spiritual beings; without implying the same precise distinctions of rank or condition among them, as they did in the minds of those philosophers who first fabricated those terms, or applied them to these particular objects, in some strictly definite sense.

Although, therefore, the term, *Æons*, was used by the original philosophers, or by the particular sect of the Gnostics, to signify *secondary gods*; having higher gods above them, and

inferior gods beneath them, as Mr Stuart remarks, yet, in the use of the *common people*, it is hardly conceivable, that the word should have retained its precise technical meaning. Still less is it conceivable, that this word, in travelling into the western part of Asia, unaccompanied by the peculiarities of the Gnostic system, should have retained this precise meaning among the common people, in those places where the Greek language was in use.

Like the English word *divinity*, it must have signified merely *an existence, of a nature superior to man* in a general sense—a *spiritual being*; without specifying whether it were a spiritual being, or divinity of the second, the third, or the hundredth class.

I argue this from the known principles of human nature, from the well-known operation of this very thing among all nations, and from the known fact among us, that words, which, in philosophic use, retain a precise technical meaning, are employed by the common people in a most extensive latitude of signification, only retaining some general allusion to the original philosophic meaning. On this principle, it has become strictly true, that the 'learned philologist,' may

' ————— chase
A panting syllable, through time and space;
Start it at home, and hunt it in the dark,
To Gaul, or Greece, or into Noah's ark,'

and yet be profoundly ignorant of its import in the mind of some particular writer, especially if that writer happen to be an unlearned man, and not a philosopher.

Now, it is hardly to be suspected, that the apostles were very expert philologists. Their peculiar province was *religion*, the religion of the heart and life, which their great Master had taught and exemplified, and which had been confirmed unto them by the inward 'demonstration of the spirit, and of power.' In pursuit of this high and holy object, they cared but little for 'the *letter* which killeth,' provided only they could maintain and extend 'the *spirit*, which maketh alive.' They, therefore, used language as they found it; and they used such language as was common among the people to whom they were addressing themselves.

On religious subjects particularly, it is most probable, if not absolutely certain, that the language of the Septuagint was much employed among the Jews 'scattered abroad' out of Judea.

The words of that version were reckoned true scripture by the Hellenist Jews, as much as the words of the received English version are by us. The terms and phraseology of the Septuagint would, of course, be very frequently made use of, for expressing religious ideas, and, doubtless, were so employed by the apostles in their preaching and writings, as terms familiar to the people. They expressed themselves, on religion, in the style and language to which the people were accustomed, without troubling themselves to give precise definitions of the words they employed, without stopping to explain the different senses in which different sects of philosophers used those words, without describing the derivation of them, and probably without thinking of it. The terms, as commonly employed among the people, conveyed their ideas, as nearly as any words could do it. This was the most they could expect of human language, which, at best, is but an imperfect channel for the conveyance of thoughts and affections, the 'things of the spirit.'

This course, I conceive, they followed in regard to the word *αἰώνιος*. They did not employ it to express things spiritual, *because* they knew it to have been derived from *αἰών*, which signified a spiritual being. It may be even doubted whether they knew that it was so derived. Much less did they coin it for the occasion, as Professor Stuart would have me make them do. But they used the word in this sense, because they found it already, in common use, expressing what they wished to express, as nearly as any Greek word could express it.

Αἰώνιος had been previously employed by the Seventy, as a proper translation of the Hebrew עולם, understood as an adjective. I think this Greek word was chosen as the representative of עולם, by particular design on the part of the Seventy. *Αἰώνιος* is a word of sparing occurrence among ancient classical Greek writers; nor is it, by any means, the common term employed by them to signify *eternal*. On the contrary, they much more frequently make use of *αἰδιος*, *αἰεὶ ὤν*, or some similar mode of speech, for this purpose. *Αἰώνιος* is not to be found in Homer, Hesiod, or Euripides, unless I have overlooked it in a very careful inquiry; but *αἰεὶ ὤν* appears in these writers very often, in the sense of *always existing*. The adverb *αἰεὶ*, *always*, occurs also very frequently in ancient Greek, in the same sense with the old English adverb *aye*, which is probably

descended from it. *Αἰών* is sometimes employed, by the authors above named, to represent the *principle of life*, the *breath*, or the *spirit*, but never to signify *eternity*. A sense of spirituality, as well as of *period*, *state of being*, or *duration*, is attached to this word in the more ancient Greek; and it is but reasonable to believe, that it was used in the Septuagint in a kindred sense. To me it appears that the Seventy, by choosing *αἰώνιος* to represent עולם, testify, that they did not understand the Hebrew word to signify strictly *eternal*. Had they so understood it, they would certainly have translated it by some more decisive word; some term, which, like *αἰδιος*, is more commonly employed in Greek to signify 'that which has neither beginning nor end.' But I cannot find that either *αἰδιος*, or *αἰών*, or any similar terms are ever used in the Septuagint for translating the Hebrew term in question. It is almost uniformly done by *αἰών* or *αἰώνιος*. The translators had doubts as to its meaning, whether it signified *spiritual*, or *enduring*, and therefore translated it by the Greek *αἰώνιος*, which may signify either or both.

But the Septuagint was the received Greek scripture in the days of the apostles. They, of course, employed Greek words, for expressing religious ideas, in the same sense in which they found those words used in this received scripture. The Septuagint modes of expression must have become familiar, in the ordinary religious language of those believers in the Old Testament who spoke the Greek tongue; even as the peculiar modes of speech in the received English translation are, in modern days, very often used by those who speak the English language, for expressing *their* ideas on religion. They are fond of quoting English scripture, and like to express their own religious ideas in the peculiar phraseology of the English Bible. Hence scriptural terms become familiar as 'household words,' and often, it must be confessed, bear a signification, in a religious sense, very different from their ordinary meaning in common conversation. Without doubt, the Hellenist Jews were similarly attached to the peculiar phraseology of their Greek scripture. But, in that Greek scripture, *αἰώνιος* represented that, which, in Hebrew, was expressed by the adjective עולם. This Greek word had become familiar among the Hellenist Jews, in the same signification with the Hebrew word. They made use of it to represent the same ideas which the Hebrew word represented. The apostles, there-

fore, employed *αἰώνιος* as a thing of course, in their writings on religion, to express the same thing. That which they understood by it, and intended to express, was, I believe, *spirituality* of nature, more frequently than *duration*. But it is no part of my present purpose to enter into an argument to prove it. I therefore merely state the opinion, and pass on.

I do not imagine, however, that this word, *αἰώνιος*, in vulgar Greek, or even in philosophic Greek, if I may use these expressions, signified, precisely, what the apostles wished to express, or what they intended their readers should understand by it. Their own language, it is well known, was the later Hebrew, or Aramean, called also by several other names; and their Greek is but a translation. Of course, there must be many terms, in their native tongue, to which there are none precisely corresponding in the Greek. Such seems to be the case in regard to the ancient Hebrew terms translated by *αἰών* and *αἰώνιος* in the Septuagint. Such, I believe to have been the case, in regard to the later Hebrew terms, which the apostles would have used, had they been writing in their vernacular tongue, but for which they make use of *Αἰών* and *αἰώνιος* in the Greek.

The original terms in the ancient Hebrew, (and in the later Hebrew they are probably the same, or similar,) signify something *hidden, mysterious, unsearchable, unknown*; something which the eye cannot see, nor the ear hear, nor the hand touch, nor human powers measure; terms, therefore, well calculated to express that which is of an immaterial, intellectual, or *spiritual* nature.

In order to express, in Greek, what these words signify in Hebrew, the apostles seem to have chosen the Greek word, which approached the nearest to their Hebrew meaning, and that is *αἰώνιος*. They chose this word, not because they knew it to have been derived from *αἰών*, but simply because the Seventy had done so before them; and because, in common use, it expressed what they wished to exhibit, more nearly than any other term, although not exactly so.

If, with this thought in your mind, you will turn to the article in the Examiner, p. 6, you will find that no pretence is there made, that the term *αἰώνιος*, in the New Testament, signifies *spiritual*, because *αἰών*, among philosophers, signified a spiritual being. It is merely remarked, that 'there is good

reason to believe that such was a very ancient, if not the original meaning of the word ;' and the reason assigned for this opinion is, that an ancient meaning of *αἰών* is *a being having a spiritual nature*. But it is not pretended to make use of this *derivation* of the word, to prove that it had this meaning in the mind of the writers of the New Testament. The sense, which *they* attached to the word, is to be sought, not from etymology, but from the connexions and relations in which they themselves use it.

In inquiring after their meaning on this principle, some passages are quoted, in which the labor of 'exegesis' must be hard to affix to the term *αἰώνιος*, any other signification than that which I call *spiritual*, for want of a more specifically descriptive term.

These passages Mr Stuart has left unnoticed, in the part of his work particularly directed to this article. He has given them a passing notice elsewhere, and has, authoritatively, assigned them such significations as he thought right, without, in any case, offering a reason for assigning those meanings. He treads, for the most part, the beaten track of lexicographers and critics ; and, in the present case, by turning aside from the question, and raising a dust about *Æons* and *Gnostics*, evades the true point at issue. Let him show, that, in such a passage as 1 John iii. 15, 'No murderer hath eternal life [*ζώνη αἰώνιον*] abiding in him,' and other passages of a kindred nature,—the phrase, *eternal life*, does not mean *a present state of spiritual goodness and felicity, or harmony of the soul with God*, and then I will admit that *αἰώνιος* does not, in any case, mean *spiritual*. This he has not attempted to do ; and by this 'expressive silence' on the real question, leaves it, so far as relates to myself, exactly where he found it.

Under this first head, Professor Stuart introduces a rather whimsical argument to show, that if the term *αἰώνιος* meant *spiritual*, it would mean so in a bad sense ; because, as he says, 'the majority of the *Æons* were *apostate* ones. *Æonic*, then, would be about the same as *diabolic*, in regard to its meaning.'

On this, it may be observed, that it is most vehemently to be doubted, whether the majority of the *Æons* were *apostate* ones, as Professor Stuart here asserts. But, granting the fact ; still, their apostasy does not alter their nature, it affects only their *character*. They are *spiritual* beings as to their nature, still ; as truly so, as those who kept 'their first estate ;' and both the joys of the good and the miseries of the wicked, among them all, are wholly of a *spiritual* kind. So long as there re-

mained some good ones, the term, *Æonic*, would still signify simply *spiritual in nature*, without expressing, in itself, either the goodness or the wickedness, the happiness or the misery of the beings represented.

This argument of Mr Stuart's is much the same as if one should say, 'the greater part of the human race are wicked; therefore, the word *human* means *wicked*;'—a most 'lame and impotent conclusion.' It is reasoning from the *minor* to the *major*, which has always been accounted miserable logic. In order, also, to make the argument consistent, even according to his own statement, it would be further requisite for him to show, that there are some few *good devils* in existence; a sufficient number at least to constitute a tolerable *minority*—a task which he would be scarcely willing to undertake.

His *second* reason for rejecting my interpretation, is what he calls, 'another conclusive argument' against it, stated in the following words; namely, 'that the exegesis proposed would make *spiritual misery* or *happiness* to begin only *after* the general judgment. Matt. xxv. 31—46 represents, (as the critic in question concedes), the judgment of the *future world*. Is it then true, that *spiritual* happiness commences with the righteous only after that period; or, that *spiritual* misery then first begins with the wicked? Neither the one nor the other.'

This would be a 'conclusive argument,' did the statement made in it exhibit a true view of the doctrine maintained in the article. Scarcely any reader of this sentence from Mr Stuart would think otherwise, than that I maintain, that Matt. xxv. 31—46 represents the judgment of the *future world*, and *that only*, according to the concession which, he says, I make.

This is a most incorrect exhibition of the subject. I had thought to have been sufficiently clear in asserting, that our Lord, in Matt. xxv. 31—46, 'describes the judgment of the soul;' that 'all judgment of souls is of a *spiritual*, or inward nature;' that 'this inward judgment takes place in the individual person, *whenever* God is revealed to that soul in his true character, and when his searching presence is really perceived by the spirit of the man; *as truly, though not to the same extent, in this world as in the world to come*;'—that, 'as our states of mind are, either good or evil, godly or ungodly, so do we experience either the peace of penitence, the conscious remission of sins, and the heartfelt satisfaction of unity with God; or, contrariwise, painful disquietude, anguish of mind, remorse, and horror, and fear that cometh like deso-

lation. In one or the other of these states, we have, to a greater or less degree, an experience, on the one hand, of that "eternal life" which visits the soul, that, by patient continuance in well doing, "seeks for glory, and honor, and immortality;" on the other, the "indignation and wrath, tribulation and anguish," which rack the heart of "the contentious and disobedient," the lover and follower of unrighteousness, the soul which "striveth with his Maker."—"This spiritual judgment takes place in a measure, and perhaps very often, in human hearts, *in the present world.*"—"This spiritual judgment takes place, in the fulness of its power and efficiency, when the human being passes away from all material connexions, and goes forth a simple spirit, naked, unshielded, and exposed." With these words written and laid before him, I can hardly conceive how Mr Stuart could have understood me to concede, that Matt. xxv. 31—46, represents the judgment of the *future* world, any more than those judgments of the soul which take place in the *present* world.

As, however, he has misunderstood me, possibly you may, also. I will therefore here observe, that in the article in the Examiner, no allusion is intended to be made to any *general* judgment whatever. I do not believe there ever will be any. The 'assembled universe,' so often spoken of as gathered at once before the throne of God, to be reciprocally spectators of each others' trial and judgment, is, I believe, a mere 'coinage of' the human 'brain.' Certainly the scriptures assert no such thing.

Every man, I believe, is judged in himself, and in himself alone, by the spiritual manifestation of God within him. Whenever he is so judged, he experiences *spiritual* happiness or misery immediately, according as he is acquitted or condemned in that judgment which he then endures. And, inasmuch as such a judgment of God, in and upon man, takes place in the *present*, as truly as in the *future* world, although not so extensively—insomuch *spiritual happiness* takes place in the good, and *spiritual misery* in the wicked, as truly, although not so extensively, in this world, as in that to come; that is, *when-ever* judgment takes place by reason of the individual's consciousness of the presence and power of the Highest.

Mr Stuart seems to have been led into the mistake, by his belief in that part of the Orthodox system, which maintains one particular day, in the *future* world, appointed for the judgment

of all human souls at one time, and reckons this to be the only judgment to which the scriptures refer. Believing this himself, he seems to think that every allusion, made by any one, to the judgment of *souls*, must refer of course to such a day; as if every one must, necessarily, believe as he does concerning it. But he has no right to make such a conclusion of his own in another's behalf, and is in fairness bound, if he take them into consideration and make remarks upon them at all, to accept and exhibit a writer's thoughts as that writer has described them.

Nor yet, in truth, do I think, that Professor Stuart, or any other Orthodox man, believes that the human soul enjoys *spiritual happiness*, or suffers *spiritual misery*, in the true sense of these words, until after something in the nature of a judgment has been had upon his case, and manifested in his mind by the divine influence.

In all cases of turning from sin to holiness, whether in a first experience of religion, or in any subsequent relinquishment of any particular sin, or acceptance of any new particular of holiness; in all such cases, conviction must precede conversion, although it must be confessed, that conversion does not always follow conviction. 'In all our spiritual maladies, conviction must begin the cure.'

That conviction—I use the word in the well-known technical sense—must precede conversion, is a rule so well established, that, notwithstanding there may be some exceptions, it will doubtless be admitted as a general rule.

Now, what is conviction, but the judgment of God manifested in the secret soul of the individual subject, revealing to the man his own state of general sinfulness, or the particular sinfulness of some of his particular habits of thought, feeling, or action, and revealing with equal clearness the excellency and glory of the opposite state of holiness or virtue? It is God himself, present in 'spirit and power,' convincing the man 'of sin, of righteousness, and of judgment;' and for this very particular, because the '*prince of this world* is judged.'* '*Now* is the judgment of this world,'† said our great Master; and, in my simplicity of mind, I cannot help thinking it means, that a judgment of God, particularly in and through Christ, was then commencing its operation in and upon human souls; that, once com-

* John, xvi. 11.

† John, xii. 31.

menced, it has been continuing its operation ever since, and is still, and ever will be taking place in them, whether they be existing in the present or another state of being; a *spiritual* judgment in which sin is condemned to the conscience of the subject, and holiness acknowledged and honored. 'The hour is coming, and now is, when the dead shall hear the voice of the Son of God.*' He is 'ordained of God to be the judge of quick and dead;† of souls in this, and souls in other worlds. Wherein man, in such a judgment, is conscious of condemnation, therein he experiences *spiritual suffering*; wherein he is conscious of acquittal, or of 'the remission of sins,' therein he experiences *spiritual happiness*. This takes place in the present world; and, until some such judgment is endured, the soul has no true experience of *spiritual felicity* or *wretchedness*. I have no great fear that Mr Stuart will be disposed to think this a very incorrect statement of the case.

Neither have I any doubt, that the writer of the Epistle to the Hebrews intended to represent this inward experience of judgment, as one of the essential preliminaries to a person's becoming a cordial Christian, when he named 'eternal judgment [*κρίματος αἰωνίου*],'‡ 'spiritual judgment,' as one of 'the principles' or first 'beginnings' of religion; 'the word of the beginning of Christ.'

Mr Stuart has seen fit to number this expression, [*κρίματος αἰωνίου*] 'eternal judgment,' among the texts in which *αἰώνιος* is used in relation to *future punishment*. He explains it to mean 'eternal condemnation, or punishment.' I have been, however, in the habit of thinking that the word *κρίμα* signifies *judgment* merely. It may as well be applied to a judgment in which one is acquitted, as to a judgment in which one is condemned. Such is the true meaning of the word, if we may believe the general testimony of lexicographers. With how much propriety, therefore, Professor Stuart arbitrarily interprets it to signify 'eternal punishment,' we must judge for ourselves.

I conceive also, from the nature of the case, that judgment

* John, v. 25.

† Acts, x. 42.

‡ Heb. vi. 2. Professor Stuart quotes this text, *αἰωνίου κρίσεως*. Griesbach gives the reading *κρίματος*, without any hint of its being a doubtful reading. The received text also reads the same. I therefore take this to be the true reading. It makes no difference in the sense; but it seems well to have the exact word. Dr Knapp, perhaps, gives *κρίσεως*; but I must use one word or the other in commenting on the text, and, for the reasons above named, I adopt *κρίματος*.

in the future world is the same in kind as in the present world, although more intense in degree. It is still the judgment of the *soul*, a *spiritual* being, in that world as well as in this, and is spoken of in the Scriptures, frequently, as what is effected by a manifestation of the divine presence and power, in any state of being. Every consideration, therefore, leads to a belief that judgment is the same, in kind, in both worlds.

For the same reasons I conclude that the *spiritual felicity*, or *spiritual misery*, consequent upon judgment, is the same in kind in the future, as in the present world, although either be more intense in that world than in this. Both the judgment and its consequences, taking effect upon a spiritual being, the *soul*, are of a *spiritual nature*, accompanied by no necessary outward form or circumstance in either case;—as it is written, in regard to the happiness of the servants of God, ‘Eye hath not seen, nor ear heard, neither have entered into the heart of man, what things God hath prepared for them that love him; but God hath *revealed* them unto us by his *spirit*; for the *spirit* searcheth all things, yea, even the deep things of God.’* Without doubt, the opposite is true, in regard to the sufferings of the wicked. And so, by an inward, spiritual discernment and experience, man is often a partaker of the felicity of heaven, or the misery of hell, as truly, although not so extensively in the present as in the future world. The Christian has an ‘*earnest*’ of the heavenly inheritance, and the sinner condemned, an earnest of the infernal lot; and an earnest must necessarily be the same in *nature* as the thing itself; otherwise it is no earnest at all.

The judgment, described in Matt. xxv. 31—46, is, I believe, the judgment of the soul *in general*, whether in the present or the future world. It takes place, whenever God is manifested to man in Jesus Christ; or, what is the same thing, whenever ‘the Son of Man cometh,’ and is seen by the individual soul ‘in the glory of his Father and the holy angels,’ sitting on the *spiritual* ‘throne of his’ *spiritual* ‘glory,’ whether in the present or the future state. In either state, the consequences of that judgment are immediately experienced by that soul, in spiritual felicity or spiritual misery. And, that ‘the coming of the Son of Man,’ in judgment, does signify something which takes place in the present, as well as in the future life,

* 1 Cor. ii. 9, 10.

bear witness his own words, Matt. xvi. 27, 28. 'The Son of Man shall come in the glory of his Father, with his angels; and then shall he reward every man according to his works. Verily, I say unto you, there be some standing here, which shall not taste of death till they see the Son of Man coming in his kingdom.'—Surely, then, his *coming* takes place among human beings, before some of them 'taste of death;' and it is a spiritual coming in the spirit and power of his religion, or by a personal revelation of Christ in the soul. His glory is a spiritual glory, his judgment is a spiritual judgment, his reward is a spiritual reward, and his kingdom is a spiritual kingdom, [*Βασιλεία αἰώνιος*].—Compare Mark viii. 38, and ix. 1,—Luke ix. 26, 27.

Until, therefore, Mr Stuart can prove, which I do not believe he can, that Matt. xxv. 31—46, refers *exclusively* to the judgment of the *future* world, and has no allusion to the manifestation of God in Christ Jesus in the present state; or, until he can prove, that there is no divine judgment, in the scriptural sense, had upon, or manifested in human souls in this world, before they experience *spiritual* happiness or misery; or that the revelation of the Deity in man does not produce such happiness or misery,—until then, his 'conclusive argument' utterly fails.

The *third* reason assigned by Professor Stuart for rejecting the 'exegesis proposed,' is this; namely—'If the meaning *spiritual* is to be given to *αἰώνιος* as a general one in the New Testament, then cases would arise of the most revolting nature in regard to the application of it.'—Granted willingly; especially, if the same English word *spiritual* is to be *always* employed in translating *αἰώνιος*. But the meaning *spiritual* is not proposed as the *uniform*, nor even the *general* meaning of this word. I have only asserted this to be *one* of its significations; and the argument used in support of it, is, that there are passages in the New Testament in which it evidently has this meaning, and some in which it cannot well signify anything else.

It would not affect this position at all, if Mr Stuart should find a thousand instances in which the word cannot be so translated, provided *some* could be produced, in which the plain meaning is what I have asserted to be *one* among its many meanings. If, for instance, in the mind of the apostle John, the phrase ζῶν αἰώνιος signified *spiritual* life, as when he wrote,

‘God *hath given* us eternal life, and that life is in his Son ;’* or if, in the mind of our Lord, it signified the same, as when he said, ‘This *is* life eternal, that they might know thee, the only true God, and Jesus Christ whom thou hast sent ;’† then it ought to be so translated in such cases, even if in every other part of the New Testament it had a different signification.

Here I trust you will allow me to explain. I use the word *spiritual* for want of a more precisely significant term. But it does not exactly express what I understand by the word *aionios*, when applied to things of the soul. There is no English word which does. I confess myself at a loss to find, or frame a phrase, that will precisely convey the idea.

When Shakspeare makes his ghost say concerning things of the spiritual world—

‘— this *eternal* blazon must not be,
To ears of flesh and blood,’

he makes him assert what every writer on things relating to the soul has often experienced ; and, in truth, he makes use of the English word *eternal*, in this place, in a sense very similar to that, which, I believe, was intended to be conveyed by the Greek *aionios*, in many places in the New Testament. The term that would convey the meaning of *aionios*, in the New Testament, when used with respect to things relating to the soul, should, like the Hebrew עולם, contain within itself the sense of *something secret, inscrutable, immaterial, intellectual*, and of *indefinite or unknown duration*. The English word *spiritual* approximates more nearly to this than any other, and therefore I employ it in this sense, but would not be confined to this one word, when the propriety of language, or the special connexion of *aionios* requires a different one.

With this explanation, we will now look at the passages which Mr Stuart quotes, as cases in which *spiritual* would be revolting as a translation of *aionios*.

1 Tim. vi. 16, [‘to God] *be* *κράτος αἰωνίου*,’ *power everlasting*, in the received translation. On this he inquires, ‘Shall we render, *spiritual power*?’ Truly, I know no great evil nor anything very ‘revolting,’ if the term should be so translated. The word *everlasting* expresses only one attribute of the divine

* 1 John v. 11.

† John xvii. 3.

power, but the word *spiritual* expresses its very nature. And it seems by no means unreasonable to believe, that the apostle had in his mind something more than the mere *duration* of the power, which he here ascribes to the Omnipotent. All true *power* is essentially of a *spiritual* nature. Power has been well defined to be, 'that which originates motion;' and, in whatever respect we contemplate motion as existing, we always think of that which originates it as being, ultimately, something *spiritual*.

We observe motion in the heavenly bodies, as they 'wheel, unshaken, through the void immense,' and 'absolve their stated rounds of time;' and, without hesitation, we refer the origin, and even the continuance of the motion, to a spiritual source. 'The heavens declare the glory of the Lord,' the Spiritual Divinity. The whole material universe, with all its beauty, harmony, majesty, and motion, is but an outward expression of mind and will, existing in the secret, unsearchable, *spiritual* Deity.

We notice the movements of truth or falsehood, holiness or wickedness, exhibited in the conduct and conversation of men, and feel, at once, that the true source of each and either is *spirit*, either descending 'from above,' or springing up 'from beneath.'

We witness any effect produced to our perceptions; and when we seek after its *cause*, we may, indeed, go through a long series of intermediate causes, but, ultimately, we always arrive at a *spiritual* one. Every effect must be, ultimately, attributed to the self-deciding will of some intelligent agent; i. e. a *spiritual* agent.

All *power*, therefore, considered in the essence, is spiritual. And, inasmuch as God is the all-pervading and all-animating spirit, and yet is a God, who 'hideth' himself, it therefore seems exceedingly appropriate, in an ascription of praise, to ascribe unto him power associated with the attribute of secrecy, unsearchableness, and general spirituality. It is acknowledging him as the true but secret source of all existence, motion, peace, and consolation. Certainly, this is quite as appropriate, as to ascribe unto him power associated with the solitary attribute of eternal duration. It would seem, also, that the Seventy had not lost sight of some meaning of this kind in the Hebrew עַל; for twice, at least, they have translated a form

of that word, by *δυναμις*, power. Job xi. 6. 'O, that he would show thee the *power* [secret or wonderful energy] of wisdom; for it is double of what is with thee'—Job xxviii. 11. 'He exhibiteth his *power* [secret or wonderful energy] in light.'—Possibly, also, an idea not very different is conveyed under a different form of words, in Wisd. vii. 24. 'Wisdom is more moving than any motion,' [or 'more active than action.'] And it may not be aside from the purpose, to remark, that *δυναμις*, commonly translated *power*, is often used to represent 'miracles'—'mighty works'—'wonderful works,' all of which lead the mind to contemplate a secret, mysterious, *spiritual* agency in producing them.

The expression *spiritual power*, therefore, might not be so 'revolting,' in this place, as Professor Stuart would have us think. But if the term *spiritual* seem too poor for the connexion, in which *αἰώνιος* here appears, then take any other term, more expressive of the mysterious nature of power, or even the term 'everlasting,' if you see cause—it will have no effect at all on the truth of the proposition, that one meaning of *αἰώνιος*, in the Scriptures, is *spiritual*, which is all I have affirmed; although it is exceedingly probable, that the comprehensive sense of *spirituality*, rather than the more narrow sense of mere perpetual duration, was in the mind of the apostle, when he composed this ascription of praise;—or, if you like it better, adopt Professor Stuart's own translation of *καὶ αὐτὸς*,* in this passage, and read *spiritual* 'praise;' which would be but little different from another name for 'worship in *spirit* and in truth.'

If the word *spiritual* seem poor, it is only because we do not, in our minds, assign it the exceedingly comprehensive sense which, in reality, belongs to it. Spirituality is, in truth, the immense region of intellectual thought, moral affection, and self-deciding volition; an immaterial realm, boundless, vast, unsearchable, and incomprehensible to the finite mind. In its whole extent, it is known only to the Infinite One, who fathoms the abyss of mind, measures the extent of affection, and estimates the force of volition; 'the High and Lofty One, who inhabiteth SPIRITUALITY.' Finite beings are partakers of this mysterious state, only so far as they are 'spiritually minded.' God alone, in the strict sense of the term, is SPIRIT itself.

* Spirit of the Pilgrims for Aug. 1829, p. 432.

The word *eternity*, therefore, expresses only a solitary attribute of the Supreme Divinity; *spirituality* expresses his nature; and, it is nothing but want of use, which makes the term *spiritual* seem inappropriate, in many cases, in which we have been in the habit of reading *eternal*, or *everlasting*.

It is even much to be doubted, whether many simple hearted readers of the Bible do not annex a meaning of this *spiritual* kind to the English words *eternal*, and *everlasting*, when they read them in many scriptural passages; and think more of the secret, unsearchable, or *spiritual* nature of the subject spoken of, than of its perpetual duration. As when they read such passages as this;—‘His ways are everlasting;’* or, ‘Lead me in the way everlasting;’† and others of a similar kind, abounding in the scriptures.

Another passage, quoted by Mr Stuart, as an instance, in which the term *spiritual* as a translation of *αιωνιος*, would be ‘revolting,’ is Heb. ix. 14. ‘Who [Christ] by an *eternal spirit*, δια πνευματος αιωνιου, offered up himself,’ &c. He asks, ‘Shall we say, *by a spiritual spirit*?’ Certainly not. The word *spirit*, in this text, is evidently a proper name. It is the proper name, either of a third person, or ‘*distinction*’ in the Godhead; or of the Divine Energy personified. The word *spiritual*, as expressing the nature of such a person, or distinction, or energy personified, is far from inappropriate. It is, on the contrary, exceedingly appropriate. Nevertheless, I would not use it, in translating this passage into the English language, because the proper name of the subject, in that language, is *spirit*; and the union of an adjective and noun, of the same name, would, from the custom of this language, make an unseemly appearance, and give an unpleasant sound. But the impropriety exists only in the appearance and sound of the English words.

There is no impropriety in applying the term *spiritual* to the subject spoken of in this text; i. e. the person, the distinction, or the personified energy, here called a *spirit*. But, for the sake of the appearance, and sound, and habit of our language, I would employ a different English word, either for the subject or the attribute, if I could find one which contained enough of the sense of the original to justify its use; and, if I could not find such a word, I would submit to the evil, and call it a *spiritual spirit*; even as if I were a Hebrew, who would

* Hab. iii. 6.

† Ps. cxxxix. 21.

make no scruple at all in saying a *spiritual spirit*, or an *eternal eternity*.

If you choose, then, change the English name of the subject here spoken of, and say, a spiritual divine energy; or change the English name of the attribute, and say, an *unsearchable spirit*; or, if you prefer, retain the present translation 'Eternal Spirit.' You will, even in this latter case, leave my main principle unharmed. For, I do not contend for *spiritual*, as the meaning of *αἰώνιος*, in all cases; but only as one among others. And yet it seems most probable, that the writer of the Epistle to the Hebrews intended to express the vast, and to us unsearchable, nature of the power, through which Christ 'offered himself, without spot, unto God,' rather than its *mere* perpetual duration.

The only difficulty, in this place, results from the necessity, if it be one, of using the English word *spiritual*, as the nearest which the language affords, to express the meaning of *αἰώνιος*, but still, from common habit, not precisely corresponding to it. In the Greek, the difficulty disappears; and in the Hebrew, you well know, it is no uncommon thing for the noun and adjective to be, not merely similar in sound and appearance, but the very same words.

Professor Stuart next quotes, as an instance in which the application of *spiritual*, as a translation of *αἰώνιος*, would be 'revolving,'—'Philemon 15—for he [Onesimus] was absent a little while, that thou mightest have him *αἰώνιον*,—*spiritually*?'

And wherefore, I ask, should it not be so? Onesimus was Philemon's slave. The only relation, hitherto existing between them, had been the external, coarse, and earthly relation of master and slave; a relation, which, on the part of Onesimus, had been most reluctantly endured; for he had absconded from his master, and fled to the city of Rome. There the apostle found him; and, by the divine blessing, converted him to Christianity. He seems to have been a most cordial Christian; so completely a new man in Christ Jesus, that St Paul calls him his 'son,' and his 'own bowels;' whom he 'would have retained with' himself, to have ministered unto him 'in the bonds of the gospel.' But, as in duty bound, he sent him home to his master, entreating Philemon to receive him in his new *spiritual* relation; 'not now as a slave, but above a slave, a brother beloved, especially to me, but how much more unto thee, both in the flesh and in the *Lord*.' The remark of the

apostle is, in such a case, exceedingly appropriate;—‘Perhaps, he therefore departed from thee for a season, that thou shouldst receive him *spiritually*;’ i. e. in the new, cordial, and enduring relation, in which he was now returning. This, to my apprehension, affords a much more enlarged and delightful view of the apostle’s mind, and, I think, a more correct one, than when we consider him as referring to the mere perpetuity of the new relation which Onesimus was now sustaining to Philemon.

It may not be amiss, also, to remark, that *αἰώνιον*, in this place, might, without violence to the Greek, be translated *a spiritual one*. In which case, we should, at least, avoid the necessity of converting an adjective into an adverb; and should lose nothing but the supposed antithesis between *προς ὡραν* and *αἰώνιον*. If we believe such an antithesis to have existed in the mind of the apostle, when composing this epistle, we ought to retain it in the translation; but, if not, we lose little, and gain much, by exchanging it. Let each inquirer be ‘fully persuaded in his own mind.’

As other instances, in which *spiritual* would be ‘revolting’ as a translation of *αἰώνιος*, Professor Stuart next quotes in these words—‘Rom. xvi. 25, the revelation of the mystery, which was kept in silence *χρονοῖς αἰώνιοις*—*in the spiritual ages*?’

Also, in these words—‘2 Tim. i. 9, the grace given us . . . *προς χρόνων αἰώνων*—*before the spiritual ages*?’

The former of these texts I had introduced into the article in question, as an example of those cases, in which the words *αἰών* and *αἰώνιος* refer to *ancient things*. The latter text, he might have readily supposed, I should have interpreted in the same manner. I can see no reason why he should have introduced these texts, in this inquiring way, unless it be to show, that *αἰώνιος* sometimes signifies *ancient*, and, thereby, lead his readers to believe, that it never can mean *spiritual*. I believe, however, that Professor Stuart himself would be hardly willing to translate *αἰώνιος*, in these two last texts, by the word *eternal*, ready as he seems to be to translate it so, wherever he can. They are instances of a use of the word, which is uncommon in other parts of the New Testament, and equally uncommon in the Septuagint, like *ἐτη αἰωνία* [‘years of ancient times.’] Ps. lxxvii. 5. Mr Stuart considers them so himself, and assigns them, together with Tit. i. 2, a separate place, as the three only cases in which the word sustains this unusual

meaning in the New Testament. They ought not, therefore, in fairness, to be introduced as testimonies for its ordinary signification, nor as evidences against any other sense of *aionios*. Professor Stuart seems here to have been greatly in want of instances, when, after having virtually set these texts aside, as incompetent witnesses in the case, he calls them to the stand, to bear testimony against another. He is welcome to all the advantage, which such quotations as the two last, produced in this manner, can afford him; equally so, to the influence he may exert over the minds of his readers by such means; and I have no desire to deprive him of his responsibility for the effects which may be thereby produced, upon their views of the nature and character of the spiritual religion of God in Christ.

He might have found a few more cases, and only a few, in which *aionios*, possibly, refers to some outward state, or condition of being; he might have found others, in which it refers, simply, to *duration*; and some, in which it is used in other senses still; and, in so doing, he would have done nothing more than what is not only admitted, but affirmed, in the article on which he is animadverting. He would still have fallen far short of showing, that *aionios* has not the sense contended for, in a great multitude of texts; far many more, than those in which it certainly refers to duration, or to material or temporary existences of any kind, or to anything necessarily associated with material existence; like *time*, *age*, *institution*, &c.

Nor yet, admitting *spiritual* to be one meaning of *aionios*, is great difficulty to be apprehended, in ascertaining the particular meaning to be affixed to the word, in either of the different places in which it occurs in the scriptures. The evident object of the speaker or writer in his discourse; his own peculiar habits of employing language; the known state of things relating to the speaker or writer, or to his hearers or readers; the *usus loquendi*, or the *exigentia loci*, most commonly afford a competent guide,—as in regard to the terms *the kingdom of heaven*, *darkness*, *light*, &c.—With the ordinary means we possess, for ascertaining the import of words as used by different persons, or in different connexions, we need no more be mistaken in the meaning of this word, when we meet it, than we need be in that of many other words and forms of speech, confessedly made use of in different senses in different parts of the scriptures. The connexion, the subject, and the circumstances of the case, enable us to understand the particular im-

port, in the particular text, with an ordinary share of information and common sense, and a competent measure of wisdom from above.

At the conclusion of his remarks, Professor Stuart asserts, that 'I must know, in my own conscience, that grounds of reasoning *a priori*, have inclined me to embrace the doctrine which rejects the *eternity* of future punishment; and not the language of the Bible.' I am not very fond of detailing, before the world, personal experiences. But the fact is not at all as he has affirmed it. I once believed the doctrine of eternal misery to those who die impenitent, with as much sincerity as any one. My faith in it was first startled, in consequence of an attempt I made, to lay before my people the *scriptural* argument in its favor. In searching for the meaning of the Greek terms, which are thought to express it, I was astonished to perceive, that I could not find positive *eternity* in them; and, I must confess, I was disappointed; for I had expected these words to give a most powerful support to the doctrine.

After this, there were left no particular scriptural terms, excepting the English words *eternal* and *everlasting*, by which to enforce the doctrine upon a congregation. But, conscious that the original did not, with certainty, contain this meaning, I despised the thought of exhibiting, to a confiding people, as expressions of divine truth, English words which expressed more than the originals. And I despise it now.

Nevertheless, the doctrine itself still hung upon me, by the influence of old association; and, perchance, 'like a baby, sick to death, it was dearer for its weakness;' until, having sought, with painful anxiety, a support for it in the scriptures, and sought in vain,—I was compelled to relinquish it; so far, at least, as to believe, that if there be eternal misery, it must be only as a consequence of eternal sin, voluntarily continued in.

Subsequent inquiries have convinced me, that neither our Lord nor his apostles intended to assert the positive eternity either of sin or misery. In my view, they simply contemplate man, with respect to his soul, as an immortal existent, and the partaker of a *spiritual* nature. They reveal the joyous consequences of holiness, and the wretched consequences of sin, in that spiritual nature, region, realm, or kingdom—by whatever name you call it—which consequences each must experience, according to his character and state, when God is manifest

within him ; whether in the present world, or any world to come. They state the immutable rules, by which spiritual happiness and spiritual misery are severally dispensed to individuals ; and, that these rules are everlasting. But I cannot find, that they specify any positive *period*, either in this life, at death, or in a distant moment of general resurrection, at which the eternal decree of the Almighty so positively establishes the state of the soul, that there shall certainly be no subsequent change ;—I mean, when they speak of the spiritual condition in its *nature*, as common to both good and evil. They have sufficiently taught us that the good shall continue good, and be eternally happy in spirituality ; but have not taught us that the wicked may not change and turn to God, and goodness, and felicity.

I should not have said so much concerning my personal experience, had not Professor Stuart undertaken to judge between me and my conscience ; with which I cannot but hope, although aware of liability to self-deception, that I am somewhat better acquainted than he. ‘Judge not, that ye be not judged.’

He, also, calls upon me to show, ‘that a day of grace, a preached gospel, an offered Mediator, a sanctifying Spirit, and pardoning mercy, are proclaimed in the Scriptures, as proffered to sinners in another world, who have rejected them all in this ; and then,’ he says, ‘we may lend him a listening ear.’ In other words, he would have me prove what I have not asserted, and then he will give attention to what I do maintain. Let him show, first, that I have anywhere affirmed, that sinners will repent in another world ; and then I will either do my best to prove it, or acknowledge my error. He will not be able to do this, so long as my words are these ;—‘we do not read any explicit promise, that such conversions shall take place in the world to come.’

I think, however, it would be difficult for Mr Stuart, or any one else, to prove, that the *same* means of grace, which he delineates as essential to salvation, are *not* proffered to sinners in the world to come ;—at least to those, who have not rejected them in this world ; if not to those who have.

It would be more difficult for him to show, that other, and more powerful means are not used upon them, in that world ; or whether any means at all are necessary, in a state, where the divine presence is blazing in everlasting light, and the spirit of the Highest is searching all things.

Of this one thing there can be no doubt; that if any soul, in any world, be in a fitting condition to receive it, neither 'pardoning mercy,' 'a sanctifying spirit,' nor a medium of communion with God, will be withheld.

There are, doubtless, many sinners transferred to the world of souls, to whom the means of salvation have never been proffered in this world. Are they, therefore, excluded from 'a day of grace,' and from all opportunity of being saved? It is not merely the Athenian, at whose ignorance 'God winked;' nor merely the heathen, who has never heard the name of Christ, who is in this predicament. There are those, in christian lands, whose birthright is penury, labor, and exclusion from all opportunities of learning the truth as it is in Jesus; many, whose condition is so near akin to that of the 'beast which perisheth,' that they have it not in their power to embrace the Messiah, and become the citizens of the kingdom of God in Christ. If they have no opportunity for being saved in the world to come, they are dealt with most inequitably. Orthodoxy itself could scarce find, in its heart or its Bible, to deny unto these, an opportunity for salvation in the future world. And if it may be so with them, it may be equally so with others. Admit the principle, that an opportunity for salvation is offered to any in the future world, and you open the door of possibility for all who have not plunged into sin so deep as to be past repentance.

Again,—What is that, which *saves* a soul? Is it not, more especially in the Orthodox creed, mere *grace*? Grace, which seeks, enlightens, convinces, and converts that soul, and *saves* it 'by the washing of regeneration, and renewing of the Holy Ghost,'* through the instrumentality of such means, as God, in the gospel of his Son, has provided? It is, ultimately, the free grace of the Divine Being, which saves a soul; and means are of service, only as they lay open a channel through which saving grace enters the heart.

This is no *argumentum ad hominem* in regard to an Orthodox man. I believe it myself, with all fulness of faith; and, therefore, am the more free to exhibit it, in the present view of the subject. 'All things are of God, who hath reconciled us to himself by Jesus Christ.'† All 'spiritual life is the gift of God, through Jesus Christ our Lord.'‡ It is God, himself

* Tit. iii. 5.

† 2 Cor. v. 18.

‡ Rom. vi. 23.

alone, who, 'in Christ' is 'reconciling the world unto himself, not imputing their trespasses unto them.'*

What we call *the means of salvation* are, I believe, nothing more than provisions made in the present world, by the Supreme Divinity, for opening a way for himself to the soul of man,—that secret, invisible inhabitant of a blinding and deafening house of flesh. And, until the human soul becomes conscious of the divine presence, and submits willingly to the operations of divine power, no spiritual birth unto God takes place, and no true salvation is effected in that soul; 'as many as are led by the spirit of God, they are the sons of God.'†

In this intention, of preparing 'the way of the Lord' to the soul, the means of salvation, in the present world, are of immense importance; and it often pleases the Most High, through their instrumentality, 'to save them that believe.' But, in the world to come, it is exceedingly to be doubted, whether the same means employed on earth, or any other means, are requisite, for making the same preparation. In a state, where the light of the Eternal's countenance shall forever shine, and man, a spirit, denuded of the garment of flesh, shall see as he is seen, and know as he is known, it may be, that judgments, convictions, and conversions may take place, without the intervention of such means of salvation, as are operating in this world; possibly, by the direct influence of the Supreme Being alone. But I will not attempt to prove that it certainly is so; because I do not see it so asserted in the record of divine revelation.

I will only say, that we can neither expect, nor fear, that God will change his parental character, or alter his parental principles of government over us, because we change our state of being. He will be found the same, through all states, and all conditions of existence, whereunto we may ever be transferred; 'The Father of lights, with whom is no variableness, neither shadow of turning.'‡ His wisdom may be confidently trusted, to bring to pass whatever his love may dictate. And what neither infinite benevolence shall prompt, nor infinite wisdom devise, we may be well content should not take place. But, I doubt not, that, in the world to come, mercy, love, grace, and wisdom, will be unfolded to our perceptions, in ways of divine providence, and laws of the divine government, which are, now, too deep

* 2 Cor. v. 19.

† Rom. viii. 14.

‡ James i. 17.

for us to fathom ; over which clouds and thick darkness hover ; and which, to many of our minds, exhibit, in the present, anything but mercy. Be all this as it may, we have the certain assurance of spiritual felicity, so long as we continue in unity with God ; and the mere wish to be happy in alienation from our Maker, is, in itself, a sin.

In this letter, I have purposely confined myself to that part of Professor Stuart's dissertation, in which he remarks on the article in the *Christian Examiner* above named, setting aside the general substance of his entire work. I will trust your goodness to endure whatever burden I may have laid upon your patience, in calling your attention to these observations.

Yours respectfully,

E. S. G.

Sandwich, Aug. 9, 1830.

ART. III.—*Paul Clifford.* By the AUTHOR of 'Pelham,' 'The Disowned,' and 'Devereaux.' New York. J. & J. Harper. 1830. 2 vols. 12mo. pp. 215, 216.

No one, we think, can read the work before us, without reprobation and disgust ; no one, we mean, who is properly impressed with the importance of moral duty and religious obligation, or who feels sensible that the regulations of society, in regard to property, industry, and personal security, are entitled to any respect.

The tendency, if not the design of the work, is to remove the restraints which the laws and institutions of society impose on the bad passions of depraved and dissolute men, by portraying, in brilliant colors, their manners, habits, and modes of life—giving the charm of energy, courage, and heroism, to the conduct of thieves and highwaymen ; and, by throwing into the shade whatever penalty remorse might inflict, or the contempt and detestation of society impose on them, to present, in strong relief, the appearance of a real and satisfying happiness, which needs but little aid from integrity, and suffers comparatively nothing by any compunction of conscience. It is in fact to inculcate, by the most vivid examples, that moral distinctions are quite unessential to personal happiness, and that, in the

most contemptuous and habitual disregard of them, there is found about as much genuine satisfaction, and as strong a claim to admiration and esteem, as in their exact observance.

Nor is this all. These distinctions themselves are scouted at and derided, as mere human inventions. All laws are represented as iniquitous and unjust; the institutions by which they are protected, are treated with sarcastic or open indignity, and the men by whom they are administered, presented, not only as base, corrupt, and infamous, but as made so by the operation of those principles or arrangements of society, on which hitherto we have been taught materially to depend for our security and happiness. In fact, if our author is to be trusted, religion and morals, honor, fidelity, and truth have no natural existence; the institutions, which profess to teach or preserve them, are mere contrivances of chicanery and fraud; the men who administer government, in whatever departments they are found, are most eminently absolved from all regard to any interests but their own, and solely occupied in imposing weights on the subdued spirits of the subject, which it should be with him a point of honor, as well as duty, to throw off; so that, as we are tempted to believe, the most respectable members of the community are felons, of whom, by our author's graduated scale, pickpockets are in the lowest, and highwaymen in the highest rank. There is a charm, a beauty, a nobleness infused into their mode of life, which should draw to it all the choice spirits, the gay, daring, reckless and pleasure-loving members of the community! This is something beyond that satanic school of poetry, of which Byron is the principal master; it is a step or two further in that course of delusive sophistry, which, at its commencement, startled the sober sense of mankind, and prevailed only by the extraordinary genius with which its paradoxes were pursued and defended.

Paul Clifford is a robber, the captain of a band of highwaymen. His associates and companions, when he is moving in the sphere to which he properly belongs, are thieves and robbers; and when he gains admission, as the author extravagantly supposes him to do, into honest society, it is by hypocrisy and deception, by means of an artful concealment,—which is all the while a practical falsehood,—of his real character and course of life. All this would be disgusting enough, if it were detailed with accuracy or plausibility; but it is the design of the author to excite a strong and deep interest for his hero, and of course the low

and profligate scenes of daily life, in which such characters are engaged, are to be raised and refined ; the coarse conversation of vulgar, uneducated companions, is to be polished and purified ; and although this is done to an extent that is unnatural and absurd, there is yet a vulgarity and indecency in the dialogue, which is little adapted to gratify intellectual readers. The principal character is to be rescued from the detestation which is naturally felt at his conduct, by endowing him with a romantic and captivating chivalry, a generosity in his rapaciousness, and a gentlemanlike manner in his outrages ; giving him a sort of *petit maître* mode of committing a larceny, that, because of the fashion of the manner, we may be willing to forgive, ah, even to admire the action itself !

All this is done, too, by design,—on a plan and a system. The novice actually studies his profession. He reads the memoirs of *the great Turpin*, a hanged highwayman, whom he adopts for his model, as the young soldier warms his imagination over the memoirs of Marlborough and Turenne. But, notwithstanding all this, the old prejudices of society would induce us to consider him as in fact only a thief ; and a thief, we are accustomed to think, is the lowest, meanest, basest of mankind. To overcome these antiquated notions, the author has kindly contrived to lay all the blame on the laws and institutions of society. He never omits a sarcasm on the establishments of justice or the forms of civil government, and never fails to introduce such incidents as may bring them into contempt. Indeed, the character of the hero, seems, in the judgment of our author, to be the natural offspring of the existing constitution of society ; and although it is not very obvious whether, according to his theory of morals, larceny be a crime, yet if indeed it be one, the blame of it is transferred from the thief, who is little more than a passive instrument of destiny, to the laws and the magistrates and the forms of society which influence him. Certainly, in the picture he has given us, the highwayman is quite as respectable as the judge ; and the code by which the former is governed, is not a whit less reasonable and praiseworthy, than that system, which, under the name of law, he would represent to be the real creator of what we should call wickedness and guilt.

In pursuance of this design, the character of Sir William Brandon is an important part of the work. This personage, the father of the hero by a clandestine marriage, is an eminent

lawyer and judge, with a fair prospect of promotion to the highest honors of his profession, while at the same time he is as entirely free from all the restraints which morality imposes, as the vilest criminal whom he sentences to death, and is in fact indirectly the cause of that course of iniquitous life, which, that it may not too much degrade the hero, the author has contrived to impute to this eminent jurist.

We object to this work, that it presents entirely false views of individual character, and that its tendency is thereby to *make* such persons as it *feigns*. We do not mean that there may not be unjust magistrates; but we venture to say, that, except by the especial favoritism of absolute power, certainly not existing in the country where these scenes are laid, men of such character do not, by the mere force of their depravity, make their way to the bench. We do not mean to say, that there are not unwise laws; but we believe that no intelligent man will pretend that the main tendency of all jurisprudence is to make candidates for the gallows. The principal character of the novel is in our opinion wholly and extravagantly fictitious. A noble-minded, generous highwayman, a kind-hearted, benevolent thief, a pure and sentimental debauchee, an intellectual, accomplished, elegant and fashionable companion of uneducated, vulgar, depraved, and dissolute votaries of profligacy and intemperance, is an inconsistent and visionary being, which has no existence in real life, and is here produced with as little good taste as truth, from a desire to offer to a diseased and prurient appetite, something that may gratify its irregular cravings.

We cannot present this objection more strongly than by a plain statement of it. Virtue and vice are, to be sure, singularly blended in the human character; but if there be none perfect, so truly none are utterly and irremediably depraved. There may be, in the worst individuals of the worst class, a redeeming quality, that may vindicate their claims to humanity. But settled, premeditated, intentional disregard to all human and divine laws, wherever such laws would impose a restraint on the passions or interests of an individual, is totally inconsistent with any qualities which can command respect or esteem. The conduct, in such case, whatever it might be, would be directed by caprice, interest or passion; and occasional acts, which might seem the indications of a better mind, would no more be entitled to the appellation of virtue, than the momentary pauses of the storm would be considered as the termina-

tion of its fury. The predominant habits and manners of life form the character; and it is as difficult to combine the repulsive and contradictory elements of the moral, as of the physical world. The individual, who is stern and ferocious enough to pursue his objects of personal acquisition to the ruin of his fellow beings, by an invasion of their rights, either of security or property, or who foregoes the labors of honest industry, and levies the expenses of his profligacy on such persons as chance places within his power, whether it be by the little arts of petty fraud, or the boldness of open violence, is, and must be, thoroughly depraved and detestable; and the art and genius of the poet, or of the romance writer, are wasted and debased in attempts to conceal the deformity of his vices, by connecting it with the brightness of virtues, which must necessarily be fictitious.

But the effort to make vice less detestable by ingenious palliations and strong contrasts; by opening, as it were, a sort of account current, in which heinous and habitual and weighty offences are to be balanced by imaginary and irreconcilable virtues, is dangerous wherever it is successful, and blamable wherever it is attempted. It may be charity, indeed, to find a palliation for actual transgression, by adverting to other and better qualities in the agent, because, when this is the actual exercise of a candid spirit, it will find the apology it seeks for in nothing but truth. It will never attempt to encircle the penitent it would pardon, with rays of glory, which it is impossible should ever have adorned him.

The writer of a novel has no restriction. He draws from imagination, and he addresses the heart. When the object or the tendency of his work is to make vice fashionable, or lessen the disgust which ought to prevail at every open and unblushing proclamation of it, by throwing round it a charm that can by no possibility exist in reality, and by accompanying it with pretended sentiments and feelings, which, if true, would be some alleviation, but which he knows not to be true in real life, and introduces only that they may disguise the poison he infuses,—we can have no respect for his honesty, and must add his name to the long list of those whose interests have made them base enough to corrupt the morals of mankind. Even the talent with which it is done, fails to command the admiration which genius inspires; for we despise the poor and pitiful spirit which condescends to be the caterer of evil, either from low ambition or the meaner desire of personal profit.

We do not, as we think, attribute too much to the influence of fictitious narratives upon the character of a community. If books which inculcate good principles and correct conduct, are worth the employment of the best men's time in preparation, circulation, and study, it is only because their effect is supposed to be important in the general concerns of society ; and we know no reason why the result may not be as great, when the machine is of an opposite character and in different hands. Probably, as in the case before us, it is greater, because the readers are more numerous. They are of a class, too, more susceptible of impressions ; and the impressions made upon them are more permanent. The work comes stereotyped from the press, and by this means copies without number may be scattered through the country. It is the popular topic of the day. The drawing-room and the boudoir, stages and steam-boats, every place, indeed, where a book is to be found, contains a copy of it. Its style, its language, its incidents, are calculated to excite curiosity and protract it. It falls in with a taste, not indeed peculiar to this country, but which is too common here not to be regretted, and can never be indulged, we think, to any advantage.

The taste we refer to, is a perverted appetite for the extravagant and the horrible ; for strange adventure, terrible accident, or monstrous crime. The manufactory of such tales for the daily press, has satirically been supposed to be the employment of a particular class of laborers, who live on the credulity which takes such extravagance for truths. To gather them from the records of criminal courts is a sure means of newspaper patronage ; and the more outrageous the act, and the more minute the account of it, the better is the popular feeling satisfied, and the more is the reporter praised. A murder most foul and unnatural, or an execution the most revolting and painful, is therefore the highest treat that can be prepared for this insatiable thirst ; and the life of a man whose every-day course led to the commission of nefarious crimes, and whose end might be expected on the gibbet, meets the wants of this strange curiosity. We do not think this state of the public mind is very creditable to the public taste or the public morals ; or that to provide for its gratification is a very honorable or useful employment. We do not find that it makes men wiser or better. We see something of its effects in the awful tragedy of a public execution. The crowd that gathers its immense masses at the scaffold, is led

there to see, what it had before only read of ; to partake in reality of those feelings, which had been excited in imagination by horrible tales of crime and depravity ; to be agitated by strong impressions ; to be excited by the endurance of agony, and become familiar with death. Who believes these scenes humanize the heart ? Who does not feel, at every account of them, that they carry back the age to the days of a barbarism from which it ought to have emerged ?

Something not dissimilar is the natural effect of the story, told with an art that interests the feelings, of the progress of vice in the person of a bold and presumptuous offender. But this effect is stronger and more permanent. The grosser part of the community assemble at the ultimate scene of the great tragedy of justice ; but the more susceptible and intellectual and enlightened, are affected by the artful recital of its preparatory scenes. They only, whom the most awful of earthly exhibitions can interest, are the witnesses of the last infliction of the laws ; but the young, the inexperienced, the tender, whom a less powerful prescription would move in a similar way, take a no less injurious impression from the account of it. The scene, too, that is thus awfully exhibited, is finished by a single display, and no similar one for a long time returns ; but the account of iniquity, under all the alluring aspects in which ingenuity can describe it, is ready to seduce every unoccupied moment, and enforce by repetition what it may want in intensity.

Providence, in its kindness, has connected suffering with crime ; not only remotely and feebly, but directly and acutely. We do not always see this in real life ; but whenever the heart is displayed to us, we find it to be so, without one solitary exception. First begins the painful admonition of conscience at the violation of duty ; and when, by successive efforts, its precepts are disregarded, and crime, by familiarity, loses its terrors, justice wakes and threatens the criminal with impending ruin. Fear is a base passion ; and the highwayman, however boldly he conducts himself on the field, is always haunted by its apparition. The mean subterfuges to which the fraudulent constantly submit, the pitiful shifts to which they resort for concealment, and the uselessness of all their gains for any purpose of enjoyment, except indeed the lowest indulgences of mere sensuality,—overwhelm, with immensely disproportionate anxiety and alarm, all the moments, which folly had whispered to them might, by a course of iniquity, be appropriated to

pleasure. Such is the disclosure which reflection would convince us must be made, could we have revealed to us the history of the felon's life. And we know it so to be by the melancholy story, which remorse has again and again drawn in agony from his lips. The punishments which society inflicts, severe and terrible as they are, fade in comparison with the goadings of conscience, the jealousy of associates, the fear of discovery, the painful watchings and concealments and burthensome slavery of crime. This necessary and inseparable connexion of suffering and sin, is that guard which preserves the innocence of mankind; and this guard, the author of *Paul Clifford*, and such caterers to foul passions, designedly remove. In the scenes, which his fancy draws as an accurate picture of the robber's life, there is a gallantry that is above fear; a gaiety that is scarce shaded by apprehension; a light and buoyant spirit which soars above the ordinary anxieties of daily life,—we had almost said, a satisfaction and delight which we had thought were only to be gained by honest labor or honorable talent. Confidence and fidelity, too, which, in despite of the proverb, never dwell among thieves, are represented as flourishing in a congenial soil; as if it were possible that these sacred affections could be sustained in the minds of depravity and vice. This false and dangerous separation of what Providence has united, is the delusion that misleads the thoughtless and the rash. This representation of perfect freedom from all laws, human or divine, with a careful concealment of the price which is paid for it, breaks down the security which has been erected in the constitution of the human mind for the preservation of virtue.

We do not mean to have it inferred from anything we have said, that *Paul Clifford*, the highwayman, will make highwaymen in this country as the character of Charles de Moor made the young men of Germany robbers, or as our author's *Pelham* made fops in the United States.

But it is no fault of his, if this result does not follow. He has done what he could to unsettle the faith, and pervert the reason, and warm the imagination of all that class of men, of whom the *Paul Cliffords* of any country are composed. As yet, however, our communities are not forward enough in iniquity to give either encouragement to such a life, or means for any tolerably safe mode of conducting it. Our population is as yet too sparse, and the business of individuals is too well known

in society, to allow of the intermixture of rogues with honest men, without suspicion and probable detection. But the principles, or the want of them, which turn men loose to prowl upon the defenceless or the simple; the charm that makes a life of occasional danger and constant iniquity more alluring than the steady, and it may be dull, occupations of honest industry; the allurements of great gains by momentary hazards, which balances the chance of severe suffering against the prospect of impunity; and, above all, that ingenious sophistry which strives to reconcile the mind to any infractions of law, by persuading it that the law itself is a system of injustice and oppression,—will have their effect here as elsewhere; and the author, when he has reaped his gains, may feel whatever satisfaction he can at this payment for the blood of innocence, this reward for the sacrifice of souls.

It is because we believe the tendency of the work is peculiarly dangerous in our community, that we have thought it our duty to notice it. We are aware, indeed, that any attention that is directed to it may increase the evil it will probably accomplish; but it has gone abroad too widely to be treated with neglect, and we do our duty in contributing what we can to diminish its popularity.

We remark, then, that mistaken views of the political liberty, or personal equality, secured by our constitutions of government to all classes of citizens, have an injurious effect on the moral character and happiness of the people. This liberty, it is almost too obvious to repeat, can consist only in the due observance of proper restraints upon the unlawful desires of the unprincipled; and this equality, while it secures the perfect right of every individual to his just possessions, can never preserve an equality of possessions to all. Rational liberty consists quite as much in having the power of preserving to one's self the fruits of industry, as it does in the means of honest acquisition. The true liberty of no individual can be protected, unless a restraint is imposed on all others not to molest him; and while their liberty is necessarily curtailed by this limitation on their wills, they still possess the utmost freedom which civil society can admit, when such curtailment is made only on principles that conduce to the general welfare of the community.

So far as restriction is put on acts of outrage and force, none, probably, are bold enough to desire it to be lessened.

But there are various and almost innumerable modes of very dubitable honesty, which, although their practice would lead to direct personal emolument, are prohibited by the good sense of society, to the greater or less displeasure of those who might profit by their toleration. A class of men is thus raised up against the salutary operation of the laws; or rather, divers classes are united, who possess no inconsiderable part of that power to which we give the name of public opinion, and whose efforts are perseveringly directed to evade or break down the force that controls them. The most common and popular mode in which their exertions are made manifest, is by giving to the laws and institutions of society an odious and disreputable character, by imputing to them harsh and oppressive principles and evil designs; by inculcating the opinion that they are intended to foster and support the rich and educated and distinguished, at the expense of the laboring and middling classes of the community; by spreading the doctrine that all the arrangements of society are calculated to make the depravity that they punish, and that they therefore ought to be considered odious in the view of free citizens and liberal-minded men, and treated as varieties of the general despotism, which it is praiseworthy to evade or destroy!

This is a mode most familiar to the classes, numerous, and, because of their numbers, very powerful, who have too much pride or property, to make it very safe to brave the terrors of a criminal prosecution, and feel themselves vastly above the ordinary transgressors of the law,—but who, nevertheless, are mainly occupied in such a course of conduct as is within the spirit of its prohibitions, and are not prevented by moral considerations from a more determined infraction of its authority. To such men our author has furnished all the plausibility of sophistry, and encouraged them by all the art of his ingenuity and talent. He has given them new motives and additional strength, and taught them an easier mode of reconciling their course of life with that pretension to respectability, which they have pride, if not honesty enough, to value.

The class of men to whom we refer, are already too numerous in our country for the entire claim we might wish to make to as much eminence of character, as of political privileges. It would give us just cause for uneasiness, if, on due examination, we should find they were increasing; and especially if there be anything in our institutions which tends to multiply

their numbers. But it would answer no good purpose to conceal the truth, or to shrink from its examination.

Under institutions calculated, with the entire force of human ingenuity, to accelerate the civil and religious advancement of mankind, we might expect an indefinite improvement, even to the perfection of our species, if we did not find, that, in every arrangement of man's device, there is something to retard as well as to propel, and that, as in physics so in morals, an increase of the moving power does not always produce a proportionate progress in the body to be moved.

To the animated pursuit of wealth, neither the genius of our system, nor the condition of individuals offers any restraint. Probably here, more than under any other form of society, wealth itself has the most allurements, and promises the largest rewards. Political power or talents, besides that they are necessarily the distinction of a few only, though they cannot be purchased and do not depend for their existence upon the accident of affluence, are of comparatively small advantage without it. All the faculties of active and busy men are devoted to this object; and there is not here, as elsewhere, any superior or even balancing power. In wisely abandoning the distinctions, which, in European society, have some control over the universal passion for accumulating property, we lose also the checks they impose upon it. We restrain it, to be sure, by the force of moral principles and the energy of good laws; but where the inducement is so vast and constant, these will be evaded or opposed with more or less success, in proportion to the solidity or weakness with which proper defences are erected in the public mind. But it is hardly possible these defences should be sufficient; and the consequence is, that in the general eagerness to advance, means are resorted to that cannot be tolerated with safety or respectability; and classes of men arise, who, not daring to avow any direct assault on the good order of the State, will yet, by artful and ingenious devices, strive to press forward their own fortunes, whatever may be the consequences to the public.

The passions and vices of men, quite as much as their honest requisitions, afford means for the accumulation of property; and the hazard which is incurred by those who minister to their gratification, is often repaid with large profits, which are too strong temptations for ill-regulated minds.

Another evil is found to be connected with one of the best principles of our institutions. The system of universal education too often carries men beyond the sphere in which their exertions might be useful to themselves, or the public. Accommodate as we will, the condition of society to the general desires of those who compose it, there will always be, as there ever has been, an inequality of wealth, dignity, and enjoyment. It is inevitable that there should be poor men as well as rich, working men as well as idle, men of little consideration or esteem as well as those who may fill the distinguished stations of society. And it seems, also, just as certain a decree of Providence, that the least enviable classes should be the most numerous. But to the highest positions of society every man here has an equal claim; and though the actual summit may be beyond his view, each, by a natural and laudable ambition, strives to pass his original condition. But the majority of these aspiring minds are destined, by the immutable laws of human existence, to severe and hopeless disappointment. The advanced stages of society are filled to overflowing. The employments which are assigned to genius and talents, and high faculties of mind, are seized on and exhausted; and still an unsatisfied multitude remain behind, unable to labor, and ashamed of their poverty. The useful, though, as they are sometimes considered, the humbler occupations of life are neglected, in the hope of engaging in loftier and more honorable duties. But fame cannot satisfy her votaries; power is limited in its means; distinction, from its very nature, can be conferred only on a few. The ability of living without manual labor may indeed be possessed by some, but obviously not by all; and disappointment, wherever it falls, is rarely borne with equanimity. It adds nothing to the quiet of the scene, that success is not always in proportion to merit, and that he who apparently most deserves encouragement, meets oftentimes with the most cruel neglect.

The tendency of this state of things, is, to crowd those professions and employments which are considered easiest or most respectable, and to gather, out of the great majority who have been altogether or partially disappointed, a band of malecontents, complaining of the laws, the institutions, and the general arrangements of society. It is not merely the danger to political establishments growing out of this state of things, that it is our present purpose to consider. Such establishments

may resist, a long while, whatever open force may be brought against them. It is the more speedy and certain evil of wrong principles, which will produce wrong conduct; want of regular employment, that will be succeeded by a dangerous activity, and find in dishonest and disreputable means, the gains that had been expected in a different pursuit. It is the course of immoral life, openly going to the very line of the law, and secretly passing it, that cannot to any extent be indulged, under free institutions, without inevitably undermining their foundations, and sooner or later tumbling them to the ground.

We do not know whether the classes of men to whom we refer, are more numerous in our Commonwealth, than might be expected anywhere with an equal population; but that there are such classes, and that already they exert an influence on our laws and manners and public men, is too obvious, we think, to be doubted. To all these, Paul Clifford will be a text book. They will form themselves by his model, if not in action to the extent which he is represented as going, yet in kind, and habit, and taste, and effect, with like disregard to principle, and like encouragement for depravity, and with the same conviction that the laws of society are not their friends; that the code of morality is the mere contrivance of self-interested individuals; that the one may be evaded without compunction, and the other set at nought whenever it can be done with impunity.

ART. V.—*The Evil Consequences of an Injudicious Use of the Old Testament.* For the Christian Examiner.

AN apostle said of the Jews, that when Moses was read, a veil was upon their heart. For this, perhaps, they were not answerable. Their prejudices were sufficiently natural. But their condemnation was, that they obstinately resisted every endeavour that was made to remove them. It would seem as if the moment the fact was stated to them, that the Hebrew religion was only a preparation for another, they must have felt that it was true. It was evidently adapted to a single people and to an ignorant age. It was full of safeguards against idol-

atry, which was the prevailing temptation of an unenlightened people. It abounded in ceremonial observances, such as are suited to a people who resemble children in their simplicity, and were more likely to regard a trifling visible form than an important religious truth. If this were not enough, the fact that all the Hebrews were required to present themselves three times a year in the temple, made it evident that the religion was meant for a country of narrow bounds. To suppose that it was meant to be perpetual, is the same as supposing that man was intended to keep himself forever an infant in understanding, and to resist improvement as a matter of duty; for the Hebrew law is plainly and exactly calculated for an infant state of the world.

All this is now so evident to any reader of the Old Testament, that it seems almost impossible that it should not have forced itself upon the convictions of the Jews. It is true their religion was their great distinction above the rest of the nations; and it is natural that they should have resisted everything which went to diminish its value in their eyes. But there must have been those among the wiser men of their country, who felt a secret consciousness that the system was not likely to endure. Why not, then, come forward, when they heard Jesus Christ saying, that the purpose of that law had been fulfilled by his coming—why not come forward and receive the living spirit instead of the dead letter? It must be remembered that a large proportion of them did receive his instructions, and avow themselves Christians. And those who did not, were undoubtedly kindled to fiercer wrath by a consciousness deep within the breast, that the days of their faith were numbered. Such is human nature; and but for this irritating consciousness it would have been almost impossible for the Pharisees to overcome the personal popularity of Jesus Christ. Seeing to what point their efforts were directed, he repeated to them that it was not his object to destroy, but fulfil; that not an iota should pass away from the law, till all was fulfilled. They felt the foundations of their national pride sinking beneath them, and were wrought up to madness, instead of being subdued to sorrow and despair.—We may trace the operation of this singular feeling among religious partisans of the present day. Instead of yielding with the best possible grace to the force of truth, they resent argument as a personal affront, the moment it grows too hard for them to answer, and never cling to their faith with a grasp so inflexible as

at the moment when their last poor sophism in defence of it, is overthrown.

We should have but little concern with this piece of history at present, however, if the same prejudice were not found among many who bear the name of Christians. We do not hesitate to say, that many professed Christians have nothing but the Hebrew religion. Because the Old Testament holds the foremost place in their Bibles, they give it the same place in their reverence and affections. Not merely the ignorant, but those who might know better, regard those writings as equally important with the gospel. They read the Old Testament, and neglect the New. They get their ideas of God and duty from the Old Testament. If they want instruction, encouragement, or consolation, they go to the Old Testament. They are in the constant habit of drinking from that broken and moss-grown cistern, though the living water is flowing at their feet. If this were the case only with those who use the Bible as a talisman to guard the household, or read it as an incantation, believing in its magical power to purify and calm the soul, we should not say a word. But those who have the power, and whose duty it is, to correct such impressions, feel as if it were their interest to sustain them; and to this do we ascribe much of the narrowness of feeling, the servility of devotion, which dishonors the religious spirit of the present day, and gives occasion to the enemies of Christianity to say, that, by drawing their faith and feeling from such a fountain, Christians are become no better than Jews, in understanding, character, and heart.

We believe that this is a great evil, and therefore state it strongly. Doubtless we shall be asked, in no good temper, whether we would not have the Old Testament read. Certainly we would have it read; but read as the word of God addressed to an unenlightened people, and no more suited to Christians than infant instruction to the manhood of the mind. The difficulty is, that men read it with a veil upon their hearts; without in the least regarding what people and what times it was meant for. We would have it read, as containing the record of the Hebrew, not the Christian faith, and fix the reverence of men as strongly as possible upon the Gospels, as the great treasury of our religion.

We will now attempt to point out one or two of those results which follow from this misuse of the Hebrew scriptures.

Men borrow from them incorrect impressions of the nature of

God. In his nature he is everywhere present, and therefore is familiar with all that passes in the universe—near or distant, in the dead of midnight or the blaze of noon. Christianity labors to impress this truth; to make its disciples feel that we never can escape the searching gaze of that Eye that reads the heart. And every one who is not a perfect stranger to his own heart, must be conscious that this is one of the strongest inducements we have to be faithful—to know that we act always in the sight of God.

Now by resorting to the Old Testament as constantly as we do, we are in danger of losing the benefit of this impression. We find there grand and striking representations of the divine majesty, but all of the material kind. God appears as a king seated on a throne of glory. Hyacinth, jasper, emerald, and gold make up the splendor of his array. Little, comparatively speaking, is said of the moral perfections of his nature, which entitle and recommend him to the reverence and love of enlightened minds, because such representations were not suited to impress the hearts and imaginations of the Jews. On the contrary, everything gives the impression, that he exists in a human form—an impression which needs to be resisted. Perhaps we should except Solomon's prayer at the opening of the temple, though even in that sublime address to the Most High, it is the language, rather than the meaning, which seems superior to the common theology of that people. It is impossible to conceive of a human form as everywhere present, and it hardly needs be said, that when we cease to feel the omnipresence of the Deity, almost all the power of religion is lost.

There are few, we believe, who cannot feel in themselves the bad consequences of being more familiar with the Hebrew, than the Christian representations of God. We do not mean to say that the Old Testament *gives* these impressions;—they are the natural fancies of childhood;—but our finding them confirmed in a page so sacred, prevents the gospel from wearing them away. There are few who feel as they would wish to feel, that no change of place can remove them from the sight and presence of God—of Him who knows the thoughts, purposes, and wishes of every heart. The very language we employ sustains, as well as expresses, this error. We speak of going into the presence of God. We speak of some places as if God were present there, and absent from others. When our Saviour said, 'My God! my God! why hast thou forsaken me?'—the

words were not his own. They were an application to himself of the words of his ancestor. We do not get this dialect from him, nor from his disciples. They will furnish us with more worthy, just, and exalted views of God; and, unless we learn to reverence his moral perfections, we shall have no regard for his sovereignty. We cannot pay homage to sceptres, thrones, and crowns. Such pageantry can never inspire the feelings which religion demands.

Of the divine character, this practice gives us still more unjust impressions. The Old Testament reminds us, not so much of God's mercy as of his exalted power. It holds out, comparatively, but little encouragement to repentance and prayer, and, in the whole of its spirit and letter, awakens fear rather than love. The object of the Hebrew law was to intimidate and overawe, because an appeal to better feelings would have been vain. God seldom appears there as a kind and merciful Father. Tenderness would not have been understood. He is the terrible and resistless king. Clouds and darkness are round about him. The storms are his messengers, the lightnings his servants. Everything was gloomy and repelling. The registry of the law was engrossed in blood. It said of almost every transgression, 'The soul that sinneth it shall die.' We do not mean that God was not called the Father of Men, but that all such representations were overshadowed by the awful visions of his destroying power.

Notwithstanding the repeated assurances of Christianity, that 'God is love,' such impressions, borrowed from the Old Testament, prevail very generally among Christians. Can any man doubt that we perpetuate this delusion by taking our idea of God from ancient prophets, instead of later and milder interpreters of his will? The piety of too many is slavish and depressing. The strain of their devotion is weak and low. It consists in abject and insincere self-humiliation. You can measure their secret pride by the very depth of their abasement, as you know that the miser feels richest when he talks most of being poor. When their piety is not hollow, it is mistaken and unworthy—unlike as possible to the glad and grateful offering, which real religion inspires. For the same reason, not one child in a thousand has the least conception of devotion. God is represented to them without one solitary attraction; and how can they be expected to go familiarly to pour out their hearts to a being whom they dread? Nothing which they know of his

character, gives them any reason to trust that he cares for their happiness or sorrow; and, if they engage in prayer at all, it will be to them a penance in which they have no pleasure, and which they submit to only because it is a duty.

The agency of God in the work of salvation, is represented by many in a way which gives pain to every thoughtful mind, and which would not be tolerated for a moment, if our views of the divine character were taken solely from the gospel. Strong and highly colored figures are taken from the Old Testament, and applied to the revelations of Christianity, with which they have no concern. They are used for the purpose of making an impression, and whether that impression be true or not, seems but little regarded. What would a stranger to our religion think of its disclosures as he gathered them from the lips of many Christians? Assuredly he would not suspect that salvation began in the mercy of God; that Jesus gave himself willingly for us; that all was done in condescending love to men. He would hear that the Father was full of wrath, and thirsting for revenge; that the Son came forward in pity to mankind, and received the Father's vengeance on his innocent head. Nothing but the language of those scriptures which ascribe human passions to the Almighty, could give the least air of truth to such representations. The prophets ascribed passions, sometimes fierce passions, to the Deity, because no other language would have been understood. But it is time for us to know that God is a spirit, far exalted above those passions that affect the sensibility and destroy the good feelings of men.

This brings us to another of these dangers. We read in those scriptures, that God was served with sacrifices, ceremonies, and professions; and that these were meant for visible signs of feelings existing in the heart. But in many of the Jews the sign became a substitute for devotion. That which was meant to express feelings, was offered instead of feelings of grateful praise. Nothing could be more striking to the imagination than the holy solemnities of the Jews. They were gathered in the temple where they were overawed by the praises of the multitude, uttered as with the thunder's voice, or by the anthems that rolled through the long aisles like the tides of a sounding sea. It is true the prophets repeatedly told them that they were doing wrong; that benevolence was better than all this sacrifice, which never could reach Heaven without obedience and real devotion. The caution was forgotten. The form only was

regarded. And so it is with thousands of Christians. They love to offer the easy form, and keep back the service of the heart; and while they thus refuse to render active obedience to God, they shelter themselves under the Hebrew writings, the character and meaning of which they cannot, or will not, understand.

It is beyond a doubt that a great proportion of Christians have thus learned to feel as if the prayer raised in secret and unheard except On High, was of little value, though Christianity so strongly approves retired and silent devotion. Their devotion does not shun the public eye; and, instead of bearing a religious spirit with them from the temple into all the duties of life, they leave all their devotion at the threshold of its doors. The worshippers depart, feeling, like the Syrians, that God is not the God of the valley, but only of the hill. It seems as if a weight were lifted from their souls, and in any other place they were free to do many a deed which they would not think of doing in the presence of their God. Thus worship itself becomes a snare. It makes them forget that the universe is his magnificent temple, where everything around, above, and below, is bright with his perfection and eloquent with his praise,—that there is not a place in ocean, earth, or sky, where he is not present at every hour, by his power sustaining, and his mercy crowning, all.

But there is another way of serving God, which has found shelter under Old Testament examples, but cannot be too sternly condemned. David, when severely provoked by his enemy, said of him, in a moment of passion, 'Let his days be few, and another take his office; let his children be fatherless, and his wife a widow: let his children be fatherless and beg their bread.' Such language, which can be excused only by the savage character of the age in which it was spoken, has been brought, with more of the same description, as a precedent for the indulgences of revenge in the cause of religion. And thus men, under the pretence, and possibly the conviction, that they were doing God service, have broken every one of his laws. Dungeons have been crowded with victims, scaffolds have run with blood, fires have consumed, floods have drowned,—almost as many as now move upon the earth have sunk at various times under the cannibal fury of persecution, and all has been justified by an appeal to language which can hardly be palliated, and not at all defended. Yet those who used such language,

were educated under a faith, which, as explained by authorised interpreters, almost insisted on vengeance for personal wrongs—an eye for an eye, and a tooth for a tooth; and Christians, to whom their Master has said, ‘Love your enemies, bless them that curse you,’ have gone to kings and prophets to learn a lesson more agreeable to their revengeful feelings, than the law of kindness and pardon so plainly laid down in the gospel.

Again, by taking the lessons of morality from the Old Testament, we lower our standard of duty. This standard must be set high; so high as to keep always before us the way of improvement. We need not fear lest it should be discouraging to see a vision of excellence which we may not reach; for a sense of duty never despairs, and what we cannot reach in the present life, may be made our own in another. If we lower the standard of moral excellence, our holy ambition sinks down at once. Easy attainments inspire no exertion. And it is universally understood that our Saviour came to reform the Old Testament morality. In his sermon on the mount he says that he came to correct the impressions which had been received from those of old time, and to teach a morality of a higher order. The demands of religion were abridged and abated in that day, on account of the ‘hardness of their hearts,’ which required a morality suited to their circumstances and character. But he came to give principles in place of directions, and to place the source of obedience in the affections, instead of the fears, of men.

How, then, can men, with any consistency, go to the Old Testament for their moral examples? Take the ‘monarch minstrel’ just mentioned, who, because he resisted idolatry and thus fulfilled the purpose for which the Jews were a separated people, was called a ‘man after God’s own heart,’—the phrase by which he is still described among Christians. Living under an imperfect light, desiring in vain to know what we know of God and duty, he left an example which is miserably defective, when judged by the christian law—an example which it would be destruction for a Christian to follow. But there is no justice in trying his character by a law which he never knew. Compared with others of his day, he was faithful; and he deserves to be protected against the injury of proposing him to Christians as a moral example. We should rather forget his transgressions in the mournfully affecting eloquence with which he deplored his infirmity and sins.

We may mention another example ;—that of Job, who, in all his variety of suffering, held fast his integrity, and openly maintained, such was his confidence in the divine justice, that, should the disorder which had already consumed his skin go on to destroy his body, he believed that ‘in his flesh’—while yet among the living—he should be restored to the favor of God. If we remember that life and immortality were not then brought to light ; that he and his friends both believed this world to be the only place of retribution, we shall see that this confidence was devoted and sublime. How any one can believe that he was acquainted with the future state, except as an imagination, we do not know, when the single word ‘immortality,’ could he have spoken it, would have overthrown all the long arguments of his friends to show that he had sinned because he suffered, and would have lighted up his heart like a flame of fire. Had he known that state of retribution, the language of complaint and defiance to the Almighty which he used, would have been unpardonable. As it was, his fortitude was noble and commanding in one, who, to all appearance, was standing on the awful boundary between the living and the dead. But his endurance, great as it was, is not such as is expected and demanded in a Christian.

There is another common and pernicious error, which can be traced directly to the use of the Old Testament without regard to the design of its parts, and the times when and for which they were written. It is the doctrine that misfortunes are sent as judgments for sin ; a doctrine manifestly belonging to an age when another life was unknown, or known only as a dim and imperfect reflection of the present life, and therefore one of the first errors which the light of Christianity might have been expected to dispel. The friends of Job took it for granted that whoever sinned was punished, and that no man ever suffered who was not guilty, and, knowing nothing of the future state, supposed that those judgments must be experienced now. To all their reasonings Job had nothing to return, except that he had an unshaken confidence in God, and believed that he would as certainly do justice to the innocent as the guilty. Owing to his ignorance, his hands were bound. But he would have asked no more than a single ray of the light which we enjoy, to bring his pertinacious friends to shame, and to strengthen him for his departure which seemed so near at hand.

Still, in some portions of the earth, and those not usually considered the darkest, men talk of judgments as if the present were the state of retribution. Forgetting that 'whom the Lord loveth he chasteneth,' they believe, as we have seen it expressed, that all their neighbours' misfortunes are judgments, and all their own are trials. It is in vain that our Saviour explained this very error to the Jews, telling them that the persons on whom the tower fell, and the idolaters whom Pilate slew, did not suffer, as they supposed, because they were worse than others. Such language is still used in the world, and there are many who look upon those who use it, as subjects of admiration for their piety, not as deserving pity for their unacquaintance with the character and providence of God.

This comes of reading the Hebrew scriptures with a veil upon the heart, and applying what was said of far off ages, to our own. The Jews lived under a system which made their national prosperity dependent on their fidelity to God. But now every one sees that prosperity does not follow the order of moral distinctions, though it is certain that it is our interest to be Christians in this world, even were there none beyond it. As a general rule the bad are miserable, and the just are happy. Still there are exceptions, and the knowledge of a future state is needed to explain the mysterious events of this. We know of no inflictions in the order of Providence, no sorrows sent on purpose to punish the guilty soul. The misery which is called the future punishment of sin, is a natural and inseparable consequence of sin, not a judgment sent directly down by the Almighty; and the accidents and misfortunes of life, which are sometimes so severe, are means by which the character is formed, because, like him who was made perfect through sufferings, our virtue must pass through trial and exposure, before God will pronounce it good.

We might also refer to the superstition which has been encouraged by reading the Hebrew scriptures without understanding. This may seem like a trifle. But superstition is not always harmless, like that which spreads paleness through the winter evening circle. It has done much to debase manly and powerful understandings. Witness Johnson, who would fain believe in ghosts, because he wanted more evidence of a spiritual world; as if sensible forms, visible to the eye, could be any evidence of spiritual and unseen things. The history of justice in this country, as well as in England, affords many examples

of the strange manner in which superstition has made savages of tolerably enlightened men, and taught them that the command 'thou shalt not suffer a witch to live,' was a sufficient justification for all manner of hypocrisy and falsehood in executing the sentence of blood; for we defy any one to read the registry of witchcraft in our land, without the conviction that there was unexampled knavery in those who were thought to be simply deluded, and that it was justified to their conscience by the denunciations of the Hebrew law against witches and offenders of that description. It seems certain that they imposed upon others, and it is probable that, like all deceivers, they imposed in a measure upon themselves.

We do not think that the Old Testament, read with any understanding, encourages this kind of superstition. Moses, in this provision against sorcery, knowing that such impostors were the pest of every unenlightened people, and might easily gain a dangerous influence, made the punishment severe enough to deter them from the crime. It does not appear that he believed in the reality of their powers and charms. We can infer nothing from his language, except that others believed; for the sternest infidel in New England might have approved severe statutes against witches, as persons who live by abusing the credulity and encouraging the vices of men. In the story of the resurrection of Samuel by the witch of Endor, everything bears the mark of evident imposture. The witch knew Saul by his extraordinary height, and his attendants. The ghost did not appear to Saul, except in the woman's own description; and the prophecy was made at a venture, trusting that his own desperation would make it true. While, therefore, we cannot charge the writers of the Old Testament with giving wrong impressions, it is evident that superstition has found its strong hold in the Hebrew scriptures, and can never be dislodged, till those remarkable writings, with their time and circumstance, spirit and letter, are better and more generally understood.

But we let these things pass, in order to show how entirely readers of the Old Testament lose the consolations of religion. The Hebrew faith never taught the immortality of the soul. Doubtless, there were intimations of this truth before Christianity. But the first clear, full, and convincing disclosure of a future existence, was made by him who died and rose again. Before he came, the grave was cold and dreary; no human eye could look through its caverns; no returning footprint was

ever seen in the churchyard way ; no word of God revealed the destiny of man. And yet, in the day of solitude, sorrow, and bereavement, Christians turn over the pages of ancient inspiration, for that comfort which gilds every page of the gospel. When they pay the last tribute of affection, you hear them reading from that word which sums up all that was then known of the departed, in the withering sentence, 'dust to dust.' No wonder they mourn. Such language gives a double chillness to sorrow, and a deeper darkness to the tomb. If they had no other consolation, their tears would flow till time should dry them away. Happily they have. If they only lift up their eyes, they see the Sun of Righteousness rising, and his first warm radiance cast on the dark mountains on which their weary feet have trod.

Other instances might be pointed out, in which men go to the Old Testament for that instruction which it was never meant to afford them, and return without benefit, though not always without injury, from that word of truth which might have enlightened and improved them, had they read it without the veil on their hearts. But we may trace the effect of this misuse of it in the religious spirit of the present day. It is not the free and joyous reverence which should be paid to God. It is not that surrender of the heart and affections which duty and improvement require. It is a sullen devotion, a slavish submission. It is more like the studied homage offered to a king, than the pouring out of the soul in gratitude for a father's never weary love. It loves darkness rather than light. It is more at home in some melancholy tabernacle, than in the open sunshine and the broad creation. It is not the feeling inspired by a deep acknowledgement of the great perfections of God. We are impressed with the conviction, that the religion of many good Christians is but an imperfect likeness of that contained in the gospel. There, we read that devotion is a manly fervor, benevolence a noble and ever active principle ; that Christianity is something more than a name and a profession, and that it absolutely and entirely disowns the livery or chain of party. And we fear that one great cause of it is, that men go to sit at the feet of kings and prophets, whilst the least in the kingdom of heaven is greater than they—whilst the humblest Christian could have taught them that of their destiny, which they would have given worlds to know, had it not been revealed.

Let no one charge us with undervaluing the Old Testament,

because we say of it that it does not contain Christianity, and that men do wrong to go to it to learn the duties, feelings, and consolations of the christian religion. Deny it who can! We acknowledge the grandeur of its inspirations, the sublimity of its visions of God. We love the plaintive music of its hymns. We feel the greatness of the prophets, who sent a gleam of light down into future ages, seeing what none beside could see, hearing what others could not hear. We bow with reverence to all those mighty men, who, in their successive ages, lifted up the banner of religion and of God. Still we must say, that the Hebrew faith is not Christianity—it was only the preparation, which, when that which was perfect came, was ready to be done away.

ART. VI. 1. *Du Perfectionnement Moral, ou de l'Education de Soi-même.* Par M. DEGERANDO. Seconde Edition. Paris. 1826. 2 tom. 8vo.

2. *Self-education, or the Means and Art of Moral Progress.* Translated from the French of M. LE BARON DEGERANDO. Boston. Carter & Hendee. 1830. 8vo. pp. 456.

OUR readers may remember the opinion, expressed in a former number, that we have no ethical work of any living English writer, to be compared to the treatise, which we have now placed at the head of this article. We might, perhaps, with perfect justice, make this remark still more comprehensive, and declare our conviction that it holds a station in moral philosophy, which has not been filled by any writer in our language, either among the living or the dead. We do not mean to intimate by this, that it is superior, in all respects, to every treatise on morals which has preceded it. We would not have it understood, that we are insensible to the various merits of the great English moralists, by whose writings the habits of thought on ethical subjects, in our own country, have been principally formed. The theory of morals has certainly been discussed with uncommon ability, by some of the most acute minds in England, since the shock it received, in the age of Charles II., from the speculations of Hobbes. His writings were the signal for the commencement of an effectual study of human na-

ture ; and from that time,—when, as Warburton asserts, a general panic took place, ‘ the press sweat with controversy, and every young churchman militant would try his strength, by thundering at the steel cap of the philosopher of Malmesbury,’—the subjects of free-will, duty, moral obligation, the nature of virtue, and the condition and destiny of man, have been favorite topics of consideration, with many enlightened and profound English scholars. We should be unjust to the memory of such men as Cudworth, More, Clarke, Butler, Price, Smith, and Stewart, did we fail to acknowledge the value of their writings, and the clearness of the light they have shed on some of the most interesting subjects of human inquiry. At the same time, we cannot forget, that there is not a little truth in the sarcasm of Voltaire, when he said, that Clarke was nothing but a ‘ reasoning mill ;’ nor that this is too appropriate an appellation for the eminent men we have named, with the exception, certainly, of Dugald Stewart, and perhaps of the amiable Platonist, Henry More.

The merit of these writers generally consists in the profound and patient thought with which they view their subjects, and in the sound and logical application of argument. But they fail in exciting the reader’s interest in the results at which they arrive. They prove everything so conclusively, and yet so dryly, that we get almost tired of being convinced. They carry us on, step by step, the mind yielding as it proceeds, and eager for the full and bright revelation of truth, until we are brought to conclusions in reality the most beautiful and inspiring, but presented in a form as little adapted to produce emotion, as if they were actually wrought out by the unconscious operation of a machine. They are satisfied with demonstrating a moral truth, as they would a theorem in geometry ; and having done this, they forget all its rich and affecting applications to our moral nature. The consequence is, that in perusing their writings, while the head is enlightened, the heart is impoverished. They may contribute much to the correct formation of opinion, but little to the perfect developement of the character. They are too barren of sentiment, too abstract and dry. We seem to repose with them in the shady gardens of philosophy, where every tree is set in the most proper place, the walks skilfully laid out, and all the beds and banks prepared for the fragrant rose and clustering vine, but on which the imprecation uttered against the mountains of Gilboa, that there should be no rain, neither dew upon them, has been fulfilled.

If we were called to decide upon their relative merit, we should place Butler clearly at the head of English moral philosophers. His successors have either vainly attempted, like Paley and Priestley, to establish a different theory of moral obligation, or they have done little more than repeat his arguments under different forms, without advancing a step beyond the eminence, which he attained. The few sentences in Butler's Second Dissertation contain the most important principles on the theory of virtue, which Stewart and Brown have expanded over as many lectures. But, after all, we have nothing in Butler's writings, which does full justice to the subject. In his celebrated Sermons on Human Nature, which indeed are admirable as philosophic expositions of the grounds of duty, he lectures on the constitution of man, with less apparent feeling than an ingenious artisan would show in pointing out the construction and uses of a curious machine. He throws a steady light upon the inspiring questions, which man has always put, respecting his nature, his duty, his destiny; but it is light without warmth, and it falls upon the mind with as little direct moral effect, as the clear, cold moon-beams fall upon the earth.

We have made an exception in favor of Dugald Stewart. We yield to none in our admiration of his character, or in respect for his general philosophic views. He has labored long and worthily in the honorable vocation of illustrating the truths of moral philosophy; and he has succeeded, better than most of his predecessors, in presenting them in the beautiful and attractive light, which naturally belongs to them, and by which they are recommended to the affections and feelings, as well as the intellect. Far inferior to Butler in depth and precision of thought, as well as in skill in the management of an argument, he surpassed him in his sympathy with the spirit of humanity, and his ready perception of the lovely and sublime in the character and actions of men. He evidently wished to make his moral speculations subservient to the practice of virtue, an aid to the advancement of the human race in all that is morally beautiful, pure, and true. But it cannot be denied, that sensibility, rather than power, was the prevailing characteristic of Stewart's mind. He had more taste than genius. He could plan, better than execute. His outlines of a subject are always excellent; but we are disappointed in their completion. He made magnificent promises to his own mind and to the world; but when the trial came, he failed to fulfil them. Had he ac-

complished all that he conceived, he would have done more for moral philosophy than any who preceded him; but now the very light he has given us, enables us to see and point out his deficiencies.

We suppose that few among us would name Paley or Hartley, as disproving our remarks. In our opinion, the theory of the former is so radically false, that any system built upon it, must needs be essentially defective. We estimate Paley's merits as a writer on Natural Theology, on the Evidences of Christianity, and on Practical Rules of Conduct, with some exceptions, as highly as any one; but we cannot but regard a philosopher, who resolves all virtue into expediency, and allows no higher motive to human nature than self-interest, as equally deficient with the astronomer, who, in explaining the system of the universe, should confine himself to the laws of centrifugal motion, and deny the sublime attraction, by which all the heavenly bodies are drawn towards a common centre.

Neither does Hartley's unquestionably able work meet our views, with regard to the wants of moral philosophy. We venerate the zeal, the disinterestedness, the piety of the writer, but we cannot deem his theory tenable, or his views of the formation of character either salutary or just. His practical rules, too, admirable as they are, in many respects, are stated in such formal and repulsive language, that we are not aware of their having exerted a moral influence on the general mind, which is capable of being appreciated.

We might name one among the living writers of England, with whose sentiments on the connexion between speculative and practical philosophy, we are happy to coincide, and from whose efforts, wisely applied to the moral improvement of society, we should hope for the most favorable effects. We refer to Coleridge. We are aware that it has been usual among certain classes with us, as well as in England, to speak with contempt of his speculations, as mystical and unintelligible; but, for ourselves, we consider him as in possession of a treasure of valuable truth, and capable of doing a great service in the 'formation of manly character, on the principles of a sound philosophy.' But the obscurity, which has been complained of in his thoughts, is certainly to be found in his style; and that to such a degree, as to make what he has hitherto written, inaccessible to the great majority of readers. Whether, in his moral discussions, he will ever lay aside his 'robes and

singing garlands,' and descend from the 'high regions of poetic fancy' to the earth upon which we dwell, is yet so doubtful, that he cannot be regarded as an exception to the complaint we have entered against the deficiencies of the English school of moral philosophy.

We return, then, to the position from which we started, that no ethical writer in our language, either among the living or the dead, has given us a work, which could supply the place of the treatise before us. It is not merely the cold and uninteresting manner of the English writers on moral subjects, that prevents us from assigning the highest rank to their works. We demand, in a perfect treatise of moral philosophy, more comprehensive views of human nature, than any of them appear to have taken. We would see a more profound analysis of the soul, with its boundless capacities of suffering and enjoyment, its thirst for infinite good, its deep passions, its inexpressible wants, its lofty aspirations after the unseen and eternal. Man has been regarded too much as the creature of accidental circumstances, while the primary and indestructible laws of his being have been kept out of sight. We wish to see his whole nature clearly exhibited before us, with all the mysterious powers it involves, in his varied progress from the cradle to the grave. We want a philosophy which recognises the religious and immortal relations of the human race,—those holy and spiritual relations, which alone explain the secret of our present existence, or cast any light on our future destiny,—as well as the material and sensual ties, by which we are connected with the fleeting interests of our earthly condition, and bound for a few short years to our fellow men. We would have these relations not only recognised, but felt and insisted on, in proportion to their unspeakable importance. We do not wish them to be treated as subjects of cold, logical discussion; swathed and confined by the technicalities of a system; reduced to a level with merely metaphysical and mathematical speculations; but to be held up in living colors, as everlasting realities, in which every human being has a deep and vital interest.

A perfect treatise on moral philosophy should take more enlarged and liberal views of human character, than those to which we are accustomed in the writings of English moralists. It should connect practical discussions with theoretical. It should aim, not only to convince the understanding of the rational foun-

dation of virtue, but to win the heart to its service, and form the character to perfection. We want a philosophy, which, after clearly illustrating the speculative difficulties which may arise on moral questions, takes up the progress of man, in all the various conditions of life, from infancy to old age ; points out the dangers to which he is exposed, warns him of the errors he may commit, suggests to him the means of improvement, unfolds to him the mysteries of his own nature, and directs and cheers him in his endeavours to obtain perfection. A work, containing a philosophy of this character, would be much more than a series of speculations, however profound and conclusive, or a dry, lifeless compendium of ethical rules. We should not feel, in perusing it, that we were losing ourselves in abstractions, nor be tempted to question, whether, for all practical purposes, our time might not be better employed. We should perceive its immediate connexion with the most interesting objects of our being. It would touch the deepest principles of our nature. It would present the divine form of Virtue before our mental sight, not as a cold, monumental, sculptured image, but as a living and active spirit, radiant with celestial beauty.

We want a work like this, which we can ponder with delight in our studies, and read with our families at the fireside. We want it for our own use in the hours of mental misgiving and gloom, when the mystery of the universe presses heavily upon our souls, and the fountains of the great deep are broken up, and the waves and billows of a false philosophy threaten to overwhelm us, as the ' intellectual power goes on, sounding its dim and perilous way ' over the troubled waters of the stormy sea. We want it for the use of our practical men, who, surrounded on every side with the objects of sense, engrossed with the competitions of business, the rivalries of public life, or the cares of professional duty, and accustomed to look at the immediate and obvious utility of everything which attracts their attention,—often acquire a distaste for all moral and religious inquiries, and, as an almost inevitable consequence, lose their interest, and often their belief, in the moral and religious faculties of their nature. We want it for the use of our young men, both of those who are engaged in the active pursuits of life, and those who are enjoying the intellectual advantages of our public literary institutions. How many on the very threshold of responsible life, by one or two unhappy mistakes, which an acquaintance with the powers and needs and dangers of their own

nature, as pointed out by a sound, religious philosophy, could have prevented,—have consigned themselves to disgrace, remorse, and all the evils which attend the train of a violated conscience! How many become the dupes of the sophist's eloquence, or the victims of the fanatic's terrors, for whom the influence of a true philosophy—a philosophy, 'baptized in the pure fountain of eternal love,' would have preserved the charm and beauty of life!

We do not say that the work of Degerando comes up, in every respect, to the standard we have described; but it certainly approaches more nearly to our idea of a perfect treatise on the application of moral philosophy to human improvement, than any one with which we are acquainted. The author does not, indeed, as we shall soon perceive, claim for it the character of a scientific exposition of moral principles. His object is more practical and popular. He designs it for the use of all. It is adapted to the improvement and instruction of all, who do not deem themselves too good to be made better, and who are not unwilling to give to an elaborate treatise on human duty and happiness, as much attention, to say the least, as they do to the ephemeral literature of the modern press. The scholar who reads it for mere speculative curiosity, as well as the idle man who takes it up to pass away a long morning, and the literary trifler who dips into all books that happen to be in the fashion, will gain little pleasure or advantage from its perusal. But, to the serious and earnest inquirer after moral truth, who knows that he was placed in the world to form his character for 'glory and virtue,' that life is not a season for thoughtless amusement or unmeaning effort, but for preparation and progress, in which are solemn duties to be performed and stern trials to be borne,—we believe, this volume will be full of interest and improvement. It is time, however, to have done with our remarks, and introduce our readers to the book itself.

The author is known to us only as a philosopher, and the profound and eloquent historian of philosophy. The private life of a great writer is generally an object of laudable curiosity; but on this point, in the present instance, we can now say nothing. The work before us was first published at Paris in 1824. It was originally destined, as the author informs us, to be known only to a small circle of friends, but the duty of making it public, was laid upon him by a voice which he considered sacred; and, as the translator suggests, probably by the voice

of the friend to whom he dedicated the work. 'Let no one,' he adds, 'expect in it a literary production, which it was not the author's intention to execute. He has aimed at nothing, but to express with simplicity, and present with good faith, a summary of observations, collected in the course of his life, to those entering the same career. Some of his readers may, perhaps, find too many trains of thought and modes of expression, which belong to speculative philosophy, and others again, too many views, with which they are already familiar. But this is the consequence of the author's plan, to reconcile the truths of philosophy with the experience of common life, and to make them confirm each other.'

The same intention is thus announced in the author's preface.

'As morality is both a science and an art, there are two distinct modes of treating it: we may give a systematic exposition of the principles of its beautiful theories; or we may collect its counsels for applying these principles to the conduct of life.

'It has been generally thought that these two modes were essentially distinct; and writers have generally confined themselves, more or less exclusively, to one of them. But the author of the following meditations has believed it possible, and desirable, to unite these two methods; that the doctrines might be tested, confirmed, and made fruitful, by practical views; and that the recommendations and precepts might receive from their connexion with doctrines, new dignity, force, and light. He has thought, that, as it is peculiar to the wise man to carry his principles into his conduct, so the teachings of wisdom may display the accordance of principles and practice: and if it is sometimes well to consider the science and the art separately, in order to preserve to each their distinctive character; it is also useful, to consider them, sometimes, in union with each other, since they have a common aim; to study their relations, since they lend each other mutual aid, and to maintain the natural alliance which unites them, in order to gather their fruits.'—p. 7.

We will now give our readers some account of the execution of this plan, by liberal quotations, availing ourselves for the most part of the language of the translator. The idea which lies at the foundation of the author's system, and which is fully developed and illustrated in the sequel of the work, is thus expressed;—*The life of man, is, in reality, but one continued education, the end of which is, to make himself perfect.* This education commences under the most sacred and benign auspi-

ces. In confiding it to the heart of a mother, Providence seems to have taken it upon itself. Many individuals have hardly any other education than the maternal; and by the influence which a virtuous mother exerts over the mind, it is prolonged over many into the years of maturity. In this early education the pupil learns the use of his senses, and how to exercise his faculties. He is taught also two things, which are necessary to initiate him into all things else. He acquires language, and he learns how to love.

Then comes the artificial or school education, which should be a continuation of the preceding, but which seldom preserves its spirit. This second period of education is profitable in proportion as it trains the pupil to act for himself, and thus favors the progressive development of the gifts of nature.

‘When tutors retire, in the eyes of the superficial, the education is finished. But the means alone are changed. To external education succeeds a purely spontaneous education, peculiarly important and useful; seconding, more or less, what has been received from without, and making it efficacious. That free activity, which ought hitherto to have cooperated with the instructions of masters, is now left to itself, to invoke and acknowledge a new guide, reflection. It is true, that the pupil in the school of life may abandon himself to circumstances and passion, and trust to the habits already formed; but then there is no career of progress left open; a boundary is prematurely presented, and in resigning the prerogatives of youth, all things will appear aberrations, because he feels himself the victim of diverging forces, whose effects he cannot discern, and whose influence he cannot regulate. Then let the voice of friendship make known to him, that he is responsible for his own happiness; that great duties are evolved from the liberty he possesses; that from the present moment his destiny is to take its coloring; or let him throw a searching glance into himself: under what a new aspect life appears! He pauses, hesitates, interrogates the universe, his destiny, himself. A thousand mysteries rise up to agitate him, and he would sound their depths. As his ideas enlarge, his problems are multiplied, and his reason feels the necessity of a support. The more honest is his heart, the more does he feel the need of being convinced of the precepts, which are to preside over his conduct and secure his happiness. In the career, upon which he eagerly enters with conscious strength, but which is involved in a cloud, he seeks what he may hope for, he inquires what use he is to make of the activity which consumes him, for what end he is placed on earth, what are the means possessed for attaining that end, what

method he must pursue to accomplish it. O then may a good parent be at his side, whose life is a book of instruction; or an experienced friend, who, without giving precepts, may awaken and receive his confidence, commune with his heart, and support his good intentions!—pp. 2, 3.

The great purpose of life, then, according to our author, is moral progress; and this purpose is accomplished by self-education. Moral progress is a career open to all. It does not consist in producing extraordinary men. It may be found in the destiny and condition of every one, and may be adapted to the most ordinary occasions. It consists in a complete and harmonious combination of the intellectual and moral faculties; and it is not striking or surprising to a spectator, precisely because everything is conformable to order and simplicity. But we should not confine our attention to the course of this life only.

‘The thought of human life as a great and continual education, acquires new grandeur, when looking upon the destiny of man in its whole extent, and, from an elevated point of view, we glance over that unlimited future, which philosophy promises, nature reveals, and religion warrants.

‘The very faculty of progress, continuous and infinite, furnishes an argument as powerful as it is legitimate, in favor of a future to which it refers, and of which it is the herald. They are the two terms of a magnificent relation. Since man may always improve, there is always a higher existence that awaits him; since he has the expectation of a higher existence, he must continually improve. The virtues of old age are the germ of a second youth; like the flowers found under transient frosts, which prelude a new spring. The mysteries of our temporal existence are the evidences of life’s being a preparatory state. It is a long and painful trial to most men: this trial is a pledge. Education is laborious, as it ought to be effective. If we bestow so much care upon that, the fruits of which will only last a few years, and which early death may blight, what efforts, what attention should we not bestow on the fruits that are to endure forever!’—p. 6.

The nature of self-education is thus described.

‘If this art, which is the most general as well as the most important of arts, can be reduced to practical rules, they ought to be within reach of every one, being necessary for every one. They ought not merely to be adapted to the privileged few, whom nature has endowed with eminent faculties, and who have less need of directions on account of the abundance of their own

inspirations ; they should be accommodated to common weakness, and enlighten the first steps (which are often the most difficult) of those, who undertake their own improvement. They should also rest essentially upon facts, which belong to universal experience ; they should rest upon familiar truths, which, far from rejecting because generally known, we should rejoice to find received and approved by all. It is a noble prerogative of moral truths, that they are founded on general consent, and form, as it were, *the conscience of the human race*. Let us beware of making them less general : they would become less sublime and less useful. They ought to harmonize with a diversity of opinions ; at least so far as different opinions accord with the interest of virtue. They should be as free as possible from systematic theories :—not that the beautiful and lofty speculations, which embrace both the principles of duty and the cause of moral approbation, may not be one of the most important subjects for meditation ; but by uniting this order of speculations with the precepts of an entirely practical art, we run the risk of compromising the latter, in the eyes of those who may not have leisure or courage to judge of such controversies. And farther, those who have most thoroughly examined these systems, have only been confirmed in the conviction, that the councils of wisdom are inspired by rectitude of heart. The authors of these various systems, after having differed speculatively, have always arrived at the same practical results, except that the scale of virtues and motives is different. We are perhaps authorised to conclude, therefore, that the truest and best of all systems is that, which, without excluding any, acknowledges in each something useful, wisely combines them, and censures what is incomplete, defective, and exclusive in all.'—pp. 7, 8.

The following passage contains a brief exposition of the method adopted by our author.

'Self-education requires as its prelude the history of the internal man. This history manifests the subject matter of our labor, and the instruments to be used : it will consist of the inward experience, founded upon immediate intuition, more sure than the experience of the external senses, but more delicate and difficult, since it results from reflection, which is a slow faculty, and restrained in its free play by a thousand obstacles. This will constitute the first book of the present treatise.

'From this preliminary study we shall learn that the two principal springs of moral progress are Love of Excellence and Self-government. These powers make up the whole moral man : the first determining purity of motive, and resting upon disinterestedness as its essential condition ; the latter rendering us capable of acting from the best motives, and taking for granted that man

not only has power but authority over himself: one directs to the end, the other furnishes the means.

‘In the second book, we shall examine how, from the exercise of these two great powers, results all the good there is in us; also, how the degree of their application is the measure of the merit and demerit of human actions, and of the estimation granted them by the judgment of the wise. We shall see them act separately and by turns, as far as they can be separated; and afterwards unite and combine; and it is upon their association and perfect harmony alone, that all moral perfection depends.

‘In the third and last book, we shall inquire what is the best method of cultivating these two great moral powers, to give them their highest energy and to preserve between them the harmony which is equally necessary to both.

‘We shall thus be naturally led to seek some remedies for the principal moral diseases that afflict humanity, and particularly, perhaps, in this age. One disease is that selfishness, which isolates men, rendering them strangers to each other, loosening and destroying the bonds of affection, and concentrating individual exertion into a search after pleasure. Another is that weakness of character, which makes men slaves to blind imitation, or to their own inclinations. Would that we, when so many circumstances seem to be calling society to deep morality and solemn destinies, when the dignity of human nature begins to be understood,—would that we could lend a feeble aid to heighten this dignity, and keep alive the sacred flame of noble and generous affections!’—pp. 9, 10.

The first step, according to the method just stated, is to analyse the nature of man, in reference to its capacity for self-education. This is done by regarding the human being in relation to the various motives which are presented to his will. These motives are divided into five orders.

We have, first, the *sensual* nature of man. When we speak of this, we mean, that his will may be moved by pleasures and pains purely physical. But he is not confined to this sphere, as a mere animal; but to physical sensibility is joined another sensibility, connecting him with all who are similarly endowed. Hence the *social* nature, which is nourished and unfolded in social intercourse. Still further, there are motives, which descend from the understanding to move the heart. The perception of the beautiful, and the conviction of the true, acting upon the affections, model them to become the guides of the will. This is the sphere of the *intelligent* nature. Fourthly, there are duties. A law speaks to man from the depths of his

being, giving rise to a new order of relations, both with himself and his fellow beings. Hence we speak of his *moral* nature. Lastly, man is called upon to form and preserve an order of relations, which crown and regulate all others; relations with the Author of all things, and which unite his present existence with the hopes of another. Hence we say, man has a *religious* nature.

‘Each of the orders of faculties above named, has equally its root in nature; for all the motives to which they correspond are in nature. Like so many seeds, when considered relatively to their first origin, they are contemporary; but they are not brought forth and developed with the same rapidity. Some require a more active cooperation on our part; some are heralds, others are designed to finish. Each higher order requires, also, that those below make proper progress, and all together, in the order in which we have arranged them, conjointly prepare, more or less immediately, for the great future, into which our whole existence is to be resolved.

‘Thus, the developement and exercise of the senses may occupy the infancy of individuals and of nations; but everything goes to ruin and degenerates, when they predominate in manhood. The affections should animate youth; but they excite all the storms of passion, when they reign with too absolute a sway. The intellect sometimes absorbs all the other faculties, as in artists and learned men; and sometimes comes to predominate in society, as in a certain state of civilisation, when public morality loses its tone under the influence of the spirit of discussion and analysis. The moral nature, also, when it sacrifices the senses and affections too much, withers in a savage sternness, or is lost in mysticism. Indeed, when deprived of the aid of intellect, both the moral and religious faculties go astray, and may convert their power to bless, into baneful poisons.’—pp. 13, 14.

Under each of the separate orders of faculties, the author enlarges upon their nature and uses.

The legitimate rank of the sensual nature of man is first discussed. The true exercise of the senses, as they are the gifts of Providence, must be necessary to the perfection of the human being; but, when they predominate over more noble faculties, they debase the soul in proportion as they prevail, and produce disorder and confusion. Their function is to prepare man for the exercise of his higher powers. Their peculiar season is the infancy of the human being, when they reign almost unrivalled, but serve as a prelude to a nobler education. They

are the means of communication with the external world—the keys of that great temple of nature in which the august image of the Creator is to be revealed to human reason.

The condition of man, as he would be if his senses alone furnished the motives of his conduct, is well described, in the following passage, which furnishes a complete answer to the eloquent sophisms of Helvetius, and other writers of the same paradoxical school.

‘Let us suppose a man endowed with all the intellectual faculties, but compelled to draw from perceptible impressions instead of from the faculties of the heart, his sentiments and his morality; and to seek, in the objects of the senses, the only ends of his earthly existence. He would have two spheres; one, the pains and pleasures belonging to each particular sensation; the other, the pains and pleasures derived from the degree of intensity, which any sensation whatever may acquire. In the first of these two spheres, he would remain entirely passive; in the second, he would begin to cooperate with outward impressions, by a more or less marked reaction. He would have, and there would be for him but one principle of determination—mere personal feeling. He would have but one interest—to seek these pleasures and to avoid these pains. Every other consideration would be secondary, subordinate and relative to this arbitrary interest. What then would there be for him? In the past, regret for lost pleasures, and perhaps the solace of past troubles; in the future, some possible but uncertain joys, whose sphere would contract from day to day, and inevitable pain, more or less severe and prolonged;—his hopes would have limits, but would his fears?

‘The supreme beauty would be to him the pleasure which arises from surprise, and consists in the mere brilliancy of colors. In images of order, he would see a merely mechanical utility; in harmony he would feel none of the chords which enrapture us, and truth itself, in his opinion, would have a mercenary value and no other. In other men he would see what he sees in all the objects of nature—only his instruments, or the obstacles to his personal interest. But as they are endowed like him with intelligence and will, he would be obliged to make them subservient to his use, by conviction, seduction, or force. When he sees his equals happy, can he feel anything but envy? When they suffer, can he feel anything, but that he does not suffer like them—except, perhaps, that he may feel a contrast, which will render his personal pleasures more keen? What motive can prevent him from being cruel, if it were his interest to be so? What can be his regret at the sight of a victim? He will only rejoice, that there is one

who can no longer injure him. If he be resisted, or if he be importuned with his complaints, he will only be irritated. Though his equals have their eyes fixed on him, he cannot aspire to glory, for he understands neither admiration nor esteem. He may however find some aliment in the triumphs of vanity, for though applause cannot stimulate merit, it may increase his strength, and he might use it as a new power, and therefore he may endeavour to obtain it.

‘Let us extend our hypothesis and admit, that he might live in the midst of men, who are endowed with those faculties of the heart, to which he is entirely a stranger. He could not understand in others, affections of which he is himself incapable; but he would judge of their effects with all the sagacity of an egotism which would profit by everything. He would study the means of obtaining affection; and not being able to find those which the heart inspires, he would seek those which his own experience suggests; he would employ cunning; he would suppose the affections might be bought. Nor must he necessarily be free from malevolence, when unable to love: inaccessible even to gratitude, there would remain the power of hating, for it is sufficient for hatred, that another man is an obstacle, though it is not sufficient for love or for gratitude, that he is a docile instrument.

‘We grant to this unfortunate being all the privileges of the position, in which our hypothesis has placed him. He will experience the solitary pleasure, which a man feels in the exercise of his own activity; a pleasure which consists in a more vivid conception, or consciousness, of his existence; but we are obliged also to admit his necessity of activity, and the consuming inquietude, which arises from it, when it cannot be satisfied. His desires can have no other bounds than fatigue and impotence, and they may survive them also. What then must be the principle of this insatiable activity? Impatience for change, ambition for power, the torments of vanity and pride, for he will not even conceive of elevation. This is the region which that author* has explored with a rare talent, who would have been an estimable philosopher, if, in his paintings, he had pretended only to exhibit an example of a too frequent degradation, merely to inspire a just horror of that selfishness, which disinherits man of all generous affections; but who is an unfaithful painter, nay, a calumniator of human nature, when he pretends to give as a general law, what is only an accidental perversion; and who is a dangerous moralist, when tracing such pictures with such nonchalance, he dares not express, nay, when he does not let us suspect the indignation of his soul against these effects of egotism, of which he offers us the frightful image.

* La Rochefoucauld.

‘What an existence is that of this solitary self, shut up in the gloomy dungeons of egotism, surrounded by an inanimate nature, and hearing no friendly and responsive voice! What could the code of morality be to such a man?—a difficult and vast calculation of personal interest. But would the sensual man always discover it? and when he did, would he always embrace it, and sacrifice the present, which he possesses, to a doubtful future? Would not the imagination mingle any delusion with his hopes and fears? Let us request an answer from the experience of each day. What an immense variety of objects attract and repel us on all sides! What a prodigious variety of shades in the impressions produced upon us! What confusion, what chaos in those various solicitations, which urge us in every sense! How many errors, how many mistakes we make before we gain experience! When we attain the difficult knowledge of what will contribute to personal welfare, is not life passed, and a hopeless tomb open to receive us? Let us admit still more. Let us grant to this man the notion of an Author of all things. Let us try to create in him a kind of worship, which may conform to his ideas. How will he conceive of the Supreme Being?—as a sovereign who is powerful and strong. He can do no more, he cannot even conceive of him as just. What relations will he bear with his Creator? He can conceive of pains, of pleasures, but not of the celestial emanations of his kindness, and will seize, at a venture, upon all which, in his opinion, may attract the equally capricious favor or displeasure of this terrible power. How will he imagine a future existence?—sensual as his present existence. He will desire its pleasures, but only as pleasure; he will deprecate its sufferings, but cannot rise to the idea of *punishment*; and to avoid pain and secure pleasure, he will make a mercenary calculation, wishing to buy that future, which he is incapable of deserving.

‘But let us still observe him. The farther the circle of his ideas extends, the more will increase the disproportion and discord between the faculties of his mind and heart. Moreover, the faculties of his mind want a stimulus, when deprived of the energy which the sentiments of the soul lend them. The habit of passiveness, to which the servitude of sensible impressions condemns him, will plunge him inevitably into a kind of lethargy. The spur of vanity may awaken him, and he may find in a mercenary interest some spring for his thoughts, and become skilful, perhaps, in studying the surface of our universe, and applying to it the material instruments of technical operations. But whence may he draw the inspiration and light, which can introduce him into the sphere of the most fruitful

ideas? What creation in the fine arts, is possible for him who cannot admire? What knowledge of human nature can he have, who knows not how to love? To him the heaven is closed; the earth alone is open—but open as a tomb.

‘This is man, such as he is when confined to the motives that address the senses, and disinherited of the patrimony to which the first order of faculties should have entitled him! If there escape from him unconsciously some generous emotion against his will, he would, if faithful to his cause, condemn it as an error; and, if he pretended to give the name of morality to this course of conduct, which he has adopted, he must condemn the act of disinterested devotion as a crime; for he would only see in it the violation of the sole legitimate end of his being. This is the sensual man! this is that desert, that gloomy night, where he vegetates and is trained! We have not imagined or exaggerated; we have hardly glanced at the frightful solitude, the savage state into which man can descend, when he puts aside the noblest faculties of his being; a state towards which he approximates, whenever he suffers his inclinations to prevail over his duties. The necessary state of the sensual man is this abyss, which we must contemplate, in order to avoid it the more entirely.’—pp. 32-7.

In the next chapter, our author pursues a similar train of thought upon the social nature of man.

‘The benevolent affections are a preparative to the admiration of the truly beautiful, to the instructions of conscience, and to religious emotions. At this stage of developement, nature, through the happy instinct which regulates it, suggests to man a part of the actions, which morality will afterwards prescribe for him, and disposes him to become unconsciously good. This instinctive goodness will have little merit; but society will reap its fruits as it has watered its germs. The state of society is a state of nature. Society is the grand vocation of nature for man. Without it he would never truly become a man. It is to the faculties of his heart, what the material universe is to his senses.

‘Were man reduced to act from the motives that address the inferior faculties, society would be merely a coalition of interests, which, hostile from rivalry, and egotistical in their associations, could have no bond but the rigorous calculation, which measures the exchange of services, and no end but personal advantages, which, indeed, each would find more abundant from combination of forces. But a new interest is formed under the influence of the affections; reciprocation is established without being forced; devotion to others, which cannot be bought, takes the

place of an avidity, which nothing could satisfy : this is the social interest.

‘Doubtless self-love continues to exist and act in this new region ; it can never be abandoned by man, since it is a condition of his nature ; but it takes another and an unexpected form ; it is combined and commingled with devotion to others. Man, under the influence of new motives, delights in loving and sacrificing, and places himself in the service of generosity. In his sacrifices he enjoys a recompense, which selfishness denied.

‘We may observe in all communities, instituted by affection, the bond is stronger in proportion as the beings it unites have more need of one another ; the affections seem to seek of themselves a theatre, where they can show themselves most generous ; the sphere in which they are spread, enlarges in a progressive manner, as if to prepare the heart to love more, in proportion as it learns to love. Filling the bosom of a family as their first sanctuary, the affections begin to be exercised in obscurity, and then become capable afterwards of embracing society, of which a family is the element and image. The most entire, intimate, and perfect union is the conjugal. What a touching and beautiful symbol in our social institutions is that custom, which gives one name to two companions, thus united upon earth, as if to indicate that hereafter they are not only to have the same habitation and patrimony, but also the same sentiments, hopes, and life ! Nature, which formed this noble alliance, is moved at its approach, and as she is decked with flowers and surrounded with perfumes, when she sets forth her most beautiful works, so, preparing for the most touching of festivals, she sends love in peculiar tenderness to adorn the best period of life, and to serve as a herald and precursor of sacred marriage. In this union there is the happiness, not only of loving and giving reciprocally, but of a common devotedness and of receiving also, by means of a second bond springing from the first, which attaches a new generation to it. Reciprocal protection of husband and wife, of parents and children, of brothers and sisters,—this is the family. A series of communities are formed around the family, like so many concentric circles, in all of which there are wants, and in all, generous affections that come forth to meet wants. Family, country, the whole human race, call by turns upon individual self-sacrifice, and upon an extension of the domestic affections ; as they are themselves so many successive families, under a more general form. Patriotism is an instinct before it becomes a virtue ; it is called forth by public dangers ; the necessity of sacrifice kindles instead of extinguishing it. In the midst of these different relations, which spread on all sides,

some more intimate alliances are formed of individual to individual, as if to keep alive the affections, and render the heart capable of supplying so many relations. The alliance we call friendship, reanimates affection continually, by concentrating its energy on individual objects. This is also instinctive, the fraternity of sympathy; but this sympathy is the effect not only of analogy, but also of contrasts. To need to be united, we must also need to render mutual aid. In this common intercourse each one is enriched by what he receives, and still more by what he gives. Thus, in the order of sentiments developed in this first school of nature, paternal love represents authority; filial love subordination; fraternal love justice, and all these various alliances, going on as it were before laws, prepare for public by private morality, and lead from one to the other. But in order that this power of natural sentiment should accomplish its destination, it must be carried out into that morality to which it leads, and of which it is the prelude. It is by unfolding itself in morality, that sensibility will be understood, and find a new energy by finding its sphere sufficiently enlarged. The sensibility of the heart needs morality, as sensation needs reflection, that its fruits may ripen.² —pp. 41-3.

But the social nature of man is by no means sufficient for his perfection.

‘Let us suppose man limited to his affections alone, which can never be absolutely realized, and to which there are not so many approaches among men, as there are approaches to a life of mere sense. There is something animated in the exercise of the affections, as there is something stationary and lethargic in the sensual life: the former has then in itself a progressive tendency. The affections, besides, are so vivid a presentiment of morality, that they give it an anticipated power over us; but, for the same reason, it is also more common to see the affections usurp a larger part than belongs to them in the economy of our nature, and among estimable persons; for it is more difficult to stop ourselves seasonably in the movements of sensibility, than to condemn ourselves to perfect indifference, because they are absorbing as well as delightful, and because we excuse ourselves for this excess by the sanction that morality itself gives to the disinterestedness which is in the soul, approving most actions which result from the affectionate heart. It is in this way that the noblest feelings are sometimes those which make us commit the greatest faults. We think we are virtuous as soon as our hearts beat with sympathy and generous sentiments; we disdain and put away those positive precepts which seem cold, compared to our emo-

tions, not remembering, that an excess is possible in self-forgetfulness, or at least deciding that such an excess is excusable. The man who, in the course of his developement, could go no farther than the motives by which the affections are developed, and who is unable to rise to the region where conscience reigns, could better and more easily conceive religion than the sensual man. He would represent the Divinity to himself as mere infinite power no longer, but also as infinite beneficence; yet he could not represent to himself the Supreme Being as a legislator, a judge and a remunerator. The worship of the sensual man degenerates into a sort of *feticism*, which materializes the Supreme Intelligence; the worship of the man of mere affections degenerates into a kind of *anthropomorphism*, which, by endowing the Deity with the instinctive affections, gives him also caprices, errors, and all human passions. Eager for continued existence, struggling with terror against that which takes from him the objects of his tenderness, man ardently invokes that immortality which alone can restore them to him; but he does not seek in it that better future where truth and virtue will triumph. His religion perhaps bears some relation to the extravagant ideas of certain modern mystics, for whom religious sentiments are rather a search after exquisite enjoyment, than a rule of conduct or an aid to practice.'—pp. 44-6.

The intellectual nature is the next step in the magnificent progress, by which the human being—so noble, yet so weak—walks through trial to immortality. This order of our faculties is thus described.

'The enjoyment of truth and beauty, (or admiration), though essentially contemplative, gives a great impulse to the powers of the soul, inspiring an ardent desire to reproduce the objects of enthusiasm.

'When the mind is thus moved, we say it has intellectual life, a life which predominates in the learned, the literary, the artist; filling the hours consecrated to study, mingling with labors apparently material, with social intercourse, and with our very pleasures; a life introducing us into a region of light, and filling us beside with deep emotions, but not without agitations and pains of its own.'—p. 47.

The two great elements of this life, are the perception of the beautiful and the sentiment of the true. The perception of the beautiful cannot be resolved into any views of utility or calculations of self-love.

'Order is, as it were, the soul and essence of the beautiful,

and becomes the sublime by being associated with grandeur. Charmed with the presence of order, we attach ourselves to it ardently, and, satisfied with seeing it always, forget ourselves in contemplation. Is it possible that among philosophers there can be found men, so inattentive to the phenomena of the internal world, or so prejudiced by their theories, as to pretend that such a beauty is only the disguised transformation of utility, and that the admiration of it is merely a profound calculation of self-love? And can it be that they have gone so far as to seek that utility, from which beauty receives its value, and of which it is the instrument, in the enjoyment of the senses merely? Are not the emotions, which the appearance of the beautiful excites, more real, vivid, and pure, in proportion as the sentiment of the beautiful is more entirely disinterested? Not only sordid calculations of self-love do not mingle with this admiration, but they destroy it if they appear. The perfectly beautiful dwells in what we cannot turn to any use. It is the pleasure of selfishness to destroy, that it may use; it is the pleasure of admiration to preserve, and it respects in order to preserve. If the beautiful received its character from leading to profit, profit itself would necessarily be the most beautiful. If it received its character only from utility, value would be in proportion to utility, and the masterpieces of genius would yield to the cold treasures of avarice. We may seek beauty in the sensations which are most useful, as in taste; or in the instruments which are used to satisfy the most pressing wants of life; but we find it elsewhere, in the simple violet, in the lily of the valley, as well as in the starry heaven, and melodious concert. The young virgin is most truly beautiful to the chaste eye; and all real beauty is wrapt in a kind of virginity, which, like a consecrated veil, forbids the profanation of enjoyment. The admiration which the sight of order as an element of beauty, inspires, is an essentially generous sentiment. It is a love free from return, a special and primitive faculty of our soul, the leaning towards an end, placed in the sphere of thought, which we shall be happy to attain even by sacrifices: it is much more than a subtle and prudent calculation—it is a direct sentiment, which may penetrate and fill all the capacity of our being.’—pp. 52, 53.

The other element in our intellectual nature is the sentiment of the true.

‘The possession of truth inspires man with a sense of dignity, for he feels the value of the intercourse he holds with the universe and himself;—the value of that power which he exerts over nature by means of understanding it; the value of what he gains on all sides, when, from the imperceptible point

which he occupies in time and space, he follows the course of ages that are no more, penetrates into the future, embraces the celestial spheres, and discovers the properties and relations of so many different beings; when, inconstant and transient as he is himself, he is permitted to sit near the centre of those immutable and universal laws which govern creation.

'This sense of dignity is not, however, the love of truth, and may even destroy it; for the love of truth supposes, in the treasure for which it aspires, a peculiar value and merit, independent of all personal enjoyment. This sense of dignity is very far also from being satisfied here below: it often gives place to a sadness and an humiliation, still more true to our nature; for what are the truths we can enjoy, compared to those which must escape us! The love of truth is constant and equal, animating the search, as well as accompanying the possession of it: and even feeding upon the sadness, which our doubts and experience of error and feeling of ignorance inspire, being pure in proportion as it is more modest and distrustful of itself.

'Truth is also the most useful: for its possessor finds in it a first-rate instrument, applicable to everything, and necessary for everything; he finds not only a personal advantage, but the most extensive means of serving other men in society, to which he brings the most certain and lasting services, by diffusing light. The idea of its utility strengthens and rewards the love of truth; but it is not all which is contained in the sentiment. Truth is also loved for itself; for it is not only beautiful, but good, and excellent, and worthy of love, when its future application is not even suspected. The love of truth becomes associated with the generous ambition of serving society by the operations of the arts. It animates the efforts of the scholar in his long watchings and meditations, when, a stranger to the crowd, he joyfully renounces pleasure, fortune, and honors, that he may enlarge the patrimony of the human mind; it sustains the teacher of science in the midst of his perilous explorings and remote wanderings, in which he often exposes life; and it procures for him a sublime calmness, which permits him to observe, in the midst of tumults and the storms of nature, in the trouble of the elements and the agitation of the human passions, dangers which instruct more than they terrify him, on which he meditates silently, as if in the presence of his own thoughts only.'—pp. 55-7.

Something is still wanting to the perfection of man.

'The Author of all things cannot be perceived as a moral legislator by minds, whose highest motives are love of the beau-

tiful and the true. The attribute of justice, and other perfections, cannot be discovered in God, till we have conceived them ourselves; and immortality would not therefore appear as retributive, since, without a notion of duty, there could be no notion of merit. It would be an immortality of the intellect, and not of virtue. This religion would therefore have a speculative, poetical, or metaphysical character, in proportion as images of the beautiful, or as abstract speculations preside especially over it: but there would be little influence from it on the character. It would give us exquisite enjoyment, but would not be capable of rendering us better in habit and practice.'—p. 61.

The next step in the order of motives, leads us to the moral nature of man, or the sentiment of duty. Under this head, our author gives his views on the great question of the origin of moral obligation. His analysis is so simple and perspicuous, as to bring a subject that has been often darkened by words without knowledge, to a level with the plain common sense of every sincere and thoughtful inquirer, who is willing to give his patient attention to the objects of his own consciousness. He rejects, at once, all the ingenious modes, which different philosophers have invented, to explain away the reality of our moral sentiments, and to substitute for the primitive sense of duty, some foundation for virtue of an artificial character. He treats with little respect the theories, which attempt to resolve the sentiment of duty into the perception of utility or the desire of personal advantage, and maintains the more generous views which have been adopted by those, whom we deem the most elevated, as well as the most accurate philosophic thinkers, from Socrates and Plato down to Butler and Stewart.

'The great law of duty is not at first expressed in a general formula, as an abstract notion. By the wisdom of Providence, this law is first announced in particular examples and in a practical application; and this is so ordered, because, being indispensable to all men, it must be accessible to all, even the most ignorant and simple, and become the inspiration of infancy as well as the guide of maturity.

'We hear this law when we observe, either in ourselves or a fellow being, deliberate, spontaneous action, done by man as an author or cause. Whenever such an action is done before us (impartial spectators), it excites in us a sentiment of approbation or disapprobation, according to its nature, effects, and the motives we suppose in the author. And this sentiment is not the result of reflection upon the personal advantages, which we may hope

from the consequences of the action ; for we have supposed ourselves disinterested ; and besides, the sentiment excited is direct, immediate, preceding all deliberate combination. Nor is it the consequence of our judgment concerning the advantage which the action may procure for its author ; on the contrary, from the first glance, the consideration of the advantage which the author sacrifices to fulfil the duty, confirms and increases our approbation, as our observing the personal profit, which he seeks in violating duty, confirms and increases our blame of him. Our approbation and blame differ from our assent to truth, and our censure of error ; they are attached to ideas of merit or demerit, which truth or error cannot call forth. Moreover, our approbation or blame is not checked, when the author of the act has been stopped in the execution of it, by an obstacle independent of his will : the intention itself is what is estimated. And if we play in the action the double part of author and spectator, our approbation or blame will be more decided and energetic, as the intention is more clearly known to us.

‘ But this approbation will be quite a different thing from the pleasure we have experienced before, quite different from the satisfaction born of pleasure ; it will be an inward content of an entirely new kind, which will not be attached to effects, but to motives. It will be a testimony of esteem, a kind of eulogium, merited by the author within us, and discerned by him, who, as a spectator within, fills the office of judge. The blame, too, will be quite different from our regret for a false calculation, or a mistake ; it will be condemnation ; a particular and new kind of punishment, which we call remorse, to appease which, something more will be necessary than to put away the external effects of the action—nothing less than to disarm and destroy the motives which have inspired it : for all which surrounds us might be changed in vain, unless we may be satisfied that the will is purified.

‘ Now if we suppose just such actions as the above done by creatures of our own nature, we should pass the same judgment upon them, whoever does them, or wherever and whenever they are done. If we should suppose such actions as merely possible, we should still pass the same judgment, and give them a general approbation and anticipated blame ; feeling that the one kind is prescribed to us, and the other is forbidden. Approbation or blame will interpose between our will and these actions, when we conceive of them, not as a necessary cause or a necessary obstacle, but as an injunction, which, while leaving us all our liberty, orders us or forbids us ; not hinting that we have want of power, but saying to us, You ought to do—or, You ought to refrain.

‘Thus approbation or blame comes to us with the authority of a general constant law, anterior and superior to us—a law which we have not made, but are only permitted to discover and obliged to confess—a law which is not coercive, though it commands, and which we have the power of violating, but which we are conscious of, even while we violate it, and which we are not forced, but laid under an obligation to obey. This law may be misunderstood by the inattentive, and remain obscure from the effect of a too rapid or too light consideration. But the principle itself of the law will preserve its evidence whenever it is attended to; having the same evidence as any fact which is perceived by reflection on ourselves—the same evidence as any internal phenomena of sensibility or intellect.

‘It is indeed even more simple, more elementary, and more fixed; and, what is worthy of remark, the light that surrounds it, shines more abundantly, brightly and purely, in proportion as we are more free from all which commonly deceives our reason, agitates our soul, or troubles our imagination. And it shines brightest, when we have obtained the highest degree of peace and liberty of mind. Let us not embarrass these phenomena of conscience with our own subtleties. Every order of knowledge rests upon primitive phenomena given by external observation, or by consciousness, which is nothing but inward or reflective observation. There is no possible knowledge, unless we take observed facts as a foundation, even as there would be no compounds without elements, nor consequences without operative causes. There are, then, laws for moral beings—that is, for sensitive, intelligent and free beings—as there are laws for material beings, organic or inorganic. They have, in common with the latter, generality and constancy; but the laws which assign to these beings their natural destination, and which are instituted to lead them to it, differ from moral laws in an essential particular; for the laws which govern inorganic or organized matter, act unconsciously, infallibly, and determine absolutely, their modifications; but the laws which govern moral beings, addressing themselves to their intellect and to liberty, and respecting both, (because they are to lead such beings by means of this liberty and this intelligence), merely propose and prescribe, leaving them to consent and execute; they teach and show the model, and are a manifestation of the destination; but they do not carry towards it—they merely order men to tend towards their destination, the accomplishment of which has nothing of necessity about it, being imposed as a duty. By having injunctions imposed on us, our independence is revealed to us; and we are elevated to higher dignity, in proportion as their power is more sensibly felt. Material nature obeys its

laws without knowing them ; human nature, morally speaking, obeys its laws because it knows them.'—pp. 62-5.

The idea that obligation is derived from enjoyment, is shown to be a fallacy, and the true relation of happiness to virtue correctly pointed out.

'The pleasures connected with the practice of virtue are so true, so deep, and so exquisite, that they have naturally been confounded with the source whence they emanate, and thence they have been considered as the definition of virtue itself. Thus a kind of interested motive has been given to virtue, a motive springing indeed from the noblest self-love, but which is put in the place of motives drawn directly from the principle of obligation. But this mistake is easily corrected. We take the effect for the cause, and the emanation for the source. We enjoy virtue because we approve it, and it must have something worthy of approval ; we cannot approve virtue excepting by referring to some time which is anterior to it ; our enjoying good morality does not create it—our enjoyment is the love of it ; we therefore suppose it existing independently of our enjoyment. To derive obligation from enjoyment, would be absolutely the same thing as to derive light from the phenomena of vision. Good morality is not good merely because we enjoy it ; we enjoy it because it is good, and it is precisely this goodness, which our enjoyment discovers and declares. It is the same with that sense of dignity, which the love and practice of virtue calls up in the heart of man. If the love and practice of virtue give so deep and true a consciousness of our own dignity, is it not because we are associated by these with what is already great and eminent of itself ? To found virtue upon dignity, is wrong, if we do not suppose, that dignity, in its turn, finds in it an independent title, from which it borrows its rights ; otherwise we are proud of our dignity merely ; this would be taking the consequence for the operative cause. From the nobleness peculiar to virtue, and which virtue confers upon us, are derived all the ideas of nobleness, honor and glory, which must be either its emanation or its reflection, a solemn expression of its existence, or a simple emblem which derives all its real value from its fidelity to the type.

'But this mistake has no serious dangers, if, when in founding virtue upon enjoyment, we demand this enjoyment of virtue alone ; the effect then will at least lead back to the cause. It would be a greater error to separate them from one another, and thus to deprive virtue of an auxiliary, the assistance of which is as natural as it is useful. For it is in the atmosphere of virtue, that pleasure and well-being take the character of happiness, and

that self-love discovers and embraces its true tendency. And happiness, if it be not virtue, at least is its herald; announcing its presence, as promise; and following it, as a worthy and faithful reward. Providence is pleased to make happiness flow from virtue, as it has given perfume to flowers, flavor to fruit, glory to light, and attracting forms to all useful objects; the indulgent and beneficent teacher of man endeavours to call his attention to the most worthy objects of study, to interest him in the pursuit of excellence which is valuable in itself, sustaining his efforts, encouraging his weakness, binding him by the gentlest ties to the severest duties, and leading him to find what is most agreeable in what is necessary. Let the good man render thanks to Providence, bless and enter into its views, accept the cup of happiness at the banquet of virtue, and not presume too much upon himself! The pleasure connected with the impressions of the senses, and confined within the limits necessary for its own economy, the different kinds of pleasure which surround the affections of the heart, the contemplation of the beautiful, and the possession of the true,—are so many progressive steps which lead to happiness, approaching nearer and nearer to it, without being happiness itself, and only making it foreseen and desired; it is thus that the pleasures granted to man are in proportion to his moral progress. But inferior orders of pleasures, when left unregulated, often exclude and contradict one another; we can only enjoy one at the expense of another, and often one of these pleasures is destroyed and poisoned by its own wanderings and excesses; but received and adopted by virtue, they harmonize with it, virtue being for them a kind of measure, giving them their proportion and full harmony. The pleasure of self-love, when gratified by the senses, is also somewhat concentrated and narrow, but agitated and fearful; being confined to self, while enjoying it, we do not perceive its ends, nor discern its utility: but when governed by virtue, our self-love discovers the end which was wanting, and becomes free from grossness and impurity, and is kept in bounds by the necessities of a wise and prudent economy. The pleasure of affection is uncertain in its object, and often cherishes without being able to esteem; but virtue, by giving esteem for its nourishment, teaches true love. The pleasures of the mind are confined to a speculative region; but virtue introduces them into the sphere of the will, that they may influence action; giving them deep reality, it makes them the property, and, as it were, the substance of our soul, converting the assent of the reason into an approbation of the conscience, and the satisfaction which contemplation had given, into an inward contentment which renders our self-intercourse delightful. Let us not separate what God has united, virtue and happiness; let us not take from virtue its crown, or dis-

inherit our nature of the blessings which it reaps from it, and of the aid which renders it accessible to the weak. And yet it would not only poison the essence of virtue, but would often compromise the accomplishment of it, to rest it here below upon the pleasures it gives, whatever may be their elevation or purity.'—pp. 68–70.

The religious nature of man is next considered. Religion, our author maintains, is natural to man, because it is necessary to him, and answers to his natural wants, and to the laws of those faculties which he has received from nature. We are not, however, to understand by this, that we possess it from our cradle, but that we have a predisposition for it, and attain it by the simple developement of our constitution. We may be convinced of this, by the constant and universal testimony of history; but still more strongly by observing the essential relation which exists between religious sentiment and the condition of humanity.

'Man alone, of all living beings, is aware of the speedy termination of his days; he sees, while yet afar off, the tomb open to receive him; and the fatal decree, incessantly resounding in his ears, contradicts the instinct of preservation, proclaimed by the voice of the senses, or gives it a mournful accent. He alone is sensible to the tender affections; but whether these affections are refused or obtained, he loves, only to see what he loves removed from him, or be himself separated; his heart expands only to be torn by despair, and he is ready to curse the blessings which have excited him. Models of truth and beauty transport and bewilder him, but he desires them more when he cannot possess them; and he sometimes discovers only detached fragments of truth and beauty, and sometimes a cloud conceals them altogether; or, perceiving them only in an imaginary world, when recalled to himself and to sad reality, he resembles a traveller thirsting and dying in the midst of a desert. The arm of a wretch or a fool, the slightest accident, may forever destroy the most magnificent work of art, or a breath of wind may destroy it. And even when virtue resolves this difficult problem of destiny, a sanction is still wanting. Placed in the presence of austere and difficult duties, we are afflicted by our own weakness, and invoke assistance. The present cannot satisfy the moral faculties, and we begin to feel the greatest need of an order which this world seems to contradict, of a future which the earth denies. It is true that virtue promises happiness and also frequently demands a sacrifice for it. But the soul she has ennobled demands a worthy communion, even admission at the gates of heaven; and will such a confidence be abused? Will man be repulsed from the threshold of

the temple where he kneels in supplication? Reason justifies the desires of virtue; and from these desires themselves comes the influence which justifies them; for, from the general analogy of the laws of the universe, we see in each want the indication of a corresponding object. All who thirst find wherewith to quench their thirst: the newly born infant is not deceived in his desires; and will the man, faithful to his vocation, be deceived by his Creator?

'The idea of the Supreme Being, conceived as a moral legislator and judge, can alone imprint upon religion its true character, and identify it with conscience. The moral sentiment finds in this alliance the means of fulfilling its mission, and religion, through the medium of morality, penetrates and seizes all the faculties of the soul. The interest of preservation is no longer an instinct, but is in union with the designs of the Creator; restless sensibility is reassured and finds comfort; reason obtains a solution of its doubts, seizes the link of the great chain of causes, and discovers the principle of the universal plan; while the efforts of virtue find a support, and its merits a recompense.

'We shall return afterwards to the manner in which the progress from morality to religion is effected, and to the renovation which religion causes in the whole system of the human faculties; but let us clearly determine the characteristic conditions of what we call *the religious* nature in man. There is a fundamental consideration which seems to prepare us for conceiving them. It is this: in the universe we see an ever increasing progression commencing at brute or unorganized matter. This progression apparently seems to stop at man; and yet, in several respects, he is himself a beginning, a sketch, a corner stone, and the most noble portion of him is precisely that which is not finished; the column remains without the capital; the dome does not yet crown the edifice; and the universal plan announces certain summits which remain still veiled, above what is seen. In like manner, the mountain is often enveloped, at a certain degree of elevation, by a girdle of clouds which conceal its summit; while above, the pure heaven reigns, and the rays of the sun shine unobstructed. Man in his present state seems to have relations only with beings who are his inferiors or equals: but he would be singular, if he could not commune at the same time with a region more elevated than his own; for all the other works of nature are intermediate, and, by the different properties they possess, are united at once to a system which they terminate, and to one which they commence: moreover, man alone is endowed with the power of conceiving what is more perfect than himself—alone aspires to it. This insatiable desire of rising and of growing great, meets in power and renown nothing but false and deceitful indications;

such conquests, far from satisfying what is most excellent in him, injure and corrupt him. Does not this portion of his nature, which corresponds and communicates with a more perfect order of things, and which tends to be developed by it, and which we call his religious nature, complete the system of his faculties, precisely in the same manner as religion completes the general system of the universe? Man thus becomes, through sentiment and thought, the organ of creation, in the tribute of gratitude which it offers to its Author; he becomes the delegate of supreme intelligence upon the visible scene of the world; he exercises upon earth a kind of priesthood.'—pp. 74–7.

From the extracts we have now given, our readers will perceive the elements of human nature which the author supposes to enter into the composition of a perfect human being. We presume no one will deny that the proper adjustment and natural harmony of these elements, go far to make up his idea of the highest form of excellence. What is the character to which a wise and good man constantly aspires,—the character, to obtain which, the noblest principles of our nature urge us forward,—the character of which the only complete model is that which we revere in Him, who has 'left us an example,' and to form which, the religion which he taught, in the designs of Providence, is made the most effectual instrument,—but that in which the senses are submitted to the authority of the soul, and the various faculties of the social, intellectual, moral and religious nature, expanded and exercised in harmony with each other, according to the purpose of the Creator in their original constitution? Such, it appears to us, is the true idea of the moral perfection of man. According to our author, this depends on two great moral powers, the Love of Excellence and Self-government. The nature and characteristics of these powers are illustrated at considerable length. But for his views on these topics, we must refer our readers to the volume itself.

We have thus given an exposition of the plan which the author proposes, with specimens of his style of thought and expression. Our limits do not permit us to enter, at large, upon the subsequent details of the work, though we might fill our pages with extracts of equal beauty and power with those which we have already given. Under the general divisions of the Employment and the Culture of the Moral Powers, a great variety of topics relating to the formation and progress of the human character, are discussed with a strength of argument, and a warmth and

richness of eloquence, which remind us of the severe logic of the best English moralists, clothed in the graceful forms of French composition.

We quote the following passage, at once as a favorable specimen of the taste and ability of the translator, and as an example of the author's elevated religious feeling.

'The belief in a future beyond the tomb, is doubtless founded upon powerful inferences drawn from the ordinary course of nature. For nothing perishes in the elements which compose nature; they only change their form, by passing into various combinations. Now reason and analogy equally show that the principle of individuality, in the intelligent and sensible being, is necessarily one, and cannot suffer dissolution, since it is elementary. But these inferences would still leave a thick veil over the destinies which compose the important futurity. It is reserved for moral truths to raise this veil, by showing us, on the one hand, an equitable judge in the Supreme Dispenser; and by showing us, on the other, merit or demerit in human actions. Excellence would not be excellence because it is rewarded; and evil evil because it is punished. It is just the contrary; as the terms of rewards and punishments declare. It is then necessary that virtue itself should be something real, and worthy of great price, that we may apply to it the consequences deduced from the notion of an infinite justice and of a supreme judge, associated with that of a sovereign remunerator.

'Thus virtue bears witness to immortality. And the more deeply virtue is felt, the better the hopes of this great future are understood. We find in these hopes our proper destiny, explaining our earthly condition. A spectator, placed at the foot of a vast and regular edifice, cannot embrace all the parts in one glance; but those which are presented to his eye, give him a conception of the design of the architect; he completes in his mind what he has not yet been able to perceive; he prolongs the lines, and sees the point where they must unite; he penetrates beforehand into the secret depths. Such is the inference which morality authorises us to form, about the as yet invisible portion of our destiny. Virtue upon earth is the peristyle of a great future. It is so regularly, so harmoniously and wisely concerted, it makes us foresee exactly how its plans are accomplished and consummated. The whole moral nature is a grand prelude, a magnificent promise. It is a relation whose first terms only we hold. It is a triangle whose base we occupy, and the summit of which is as yet veiled in a cloud. This new progression, of which the present and terrestrial man

occupies the first steps, seems to be exhibited, already, as an image or sketch, on the bosom of human nature, by means of the scale of moral superiorities. So far as the good man is superior to the wicked, so far he feels that there is something much superior to himself. This presentiment of a better world increases with the degree of his progress. Who has not, in certain moments of his life, obtained a foreknowledge of it? Must we then always cast our eyes downward, and never raise them towards the summits which tower above our weak nature? I have seen a family assembled in a domestic oratory; the mother offering to God those to whom she gave existence; the father blessing his children; youthful hearts rendering thanks to the Heavenly Parent, whose tutelary providence they well understood, accustomed as they were to meet it in the interpreters it has chosen here below. O how beautiful is religion, since it can heighten the loveliness of a family picture!—I have seen a confused multitude united in a temple; every soul was concentrated, every mind mingled in the same thought; and hearts were blended in song; the poor man, by the side of the rich without being jealous, had forgotten his miseries: the rich man learnt his own indigence; brotherly love, which seems to banish all social distinctions in the world, awoke free and pure: all had obtained intelligence of their destiny; all prepared for it, rejoicing together; all advanced with an equal step. How human nature is ennobled, when in this attitude! how many dark mysteries are cleared away! how much discord is hushed! The whole earth seems to pride itself in the dignity which the most noble of mortal creatures has just acquired: the whole system of the universe is explained. Of all the kinds of worship, that which has obtained the most general and lasting success among mankind, and the only one which has owed its success entirely to free and individual conviction, and which has triumphed, by the mere force of this conviction, over all the resistance of prejudice and force, is that which has the rare privilege of fully satisfying the wishes and wants of morality. It is through this character, which so eminently distinguishes it, that its first defenders made their most eloquent vindications; they well knew that by calling virtue as a witness, it would not deceive their expectations. Its first conquests, also, were either among good and simple men who had resisted the corruption of the age, or among the sages who had deeply meditated upon the eternal laws of morality, such as Justin, Theophilus, Athenagoras, and Clement of Alexandria. What a magnificent homage rendered to Christianity, that it has been able to cause desertion from the school of Plato!

‘In the general system of beings, everything proceeds in a

continued gradation, as everything tends to extreme simplicity, whatever may be the wonderful complication of means. It is an immense pyramid, the regularity of which we discover more clearly, the more minutely we examine the details. At the lowest degree lie inanimate and unorganized substances : organization is successively produced and manifested, which soon receives the breath of life, feeling being as yet but a sensation, and action but simple mobility. With morality and intelligence commences a new world, which crowns the preceding ; it is the atmosphere into which man enters, but it only commences with him. Would the scale be suddenly interrupted ? Would the progression stop at the very point where our view grows faint ? Would all that is preeminent in the whole of the system be excluded from the common law ? Would the plan remain incomplete, where it became most important ? Alas ! it would have been better to have left it unfinished in inferior species. Nature could have dispensed with insects and reptiles ; but not with higher degrees of intellect and goodness.

‘ Yes, man is an intermedial link in the chain of beings. As he sees what is at his feet, so he has a presentiment of what is above him. All that is most elevated in humanity, moral and intellectual perfection, is exactly what approaches most nearly to a superior nature, and what receives from it the most direct influences.

‘ Alas ! what would mean that secret but insatiable emotion of our souls, which incessantly directs towards a higher perfection all those sighs, which constantly call for a better state, and all those glances, turned upward, which are the expectation of the accomplishment of a great mystery ? What would mean that idea of infinity, which becomes the most cruel poison if it is not a just and glorious hope ; that tendency to higher states ; those desires which call upon all that is capable of elevating us ; that inward sentiment which declares that we are the neophytes of a better life ; that natural dignity and pride which is so unjustifiable, when we consider only what we really are ; those purer and warm affections, which would otherwise have so transient an object ; that faculty of loving, which would only find such imperfect and limited objects ; and that virtue, so true in all which we can control by experience, and which would be baffled in its dearest interests in what we cannot yet verify ? What would earth be, the orphan of GOD ? What would be humanity, disinherited of immortal life ? O does not all morality invoke and proclaim with a unanimous voice this last relation of man with his Author, of the present with the future, which alone solves all the problems of existence ! Religion, doubtless, is a sigh of weakness ; but it is, above all, a wish and want of vir-

tue, which alone nourishes those noble instincts which religion is to satisfy. Virtue thrills at the sight of religion, with the same joy a son feels when he flies into the arms of his mother. And what voice would be raised within men to answer to the Creator's voice, if not that of conscience? What powers would greet and receive religion, when presenting itself upon earth, and would bring to it the reverence of men, if not those moral powers by which humanity is animated, elevated, and directed? What principle could germinate religious truths, in a soul deprived of the sense of what is just and good? What intelligible language could piety address to a heart deaf to virtue? Of what use is it to seek laboriously, whether or not in some corner of the globe some ignorant colony may be found, which, sunk into stupidity by the want of the chief necessities of life, has only confused ideas of the Supreme Benefactor, and the worship due to him? What is the importance we attach to the vague narrations of travellers? Yes, religious ideas enlarge and develop with civilisation, because they can only spring up with moral habits; and this is what proves their affinity with moral sentiment. They acquire grandeur and truth in proportion to the purity and energy of this sentiment. Of what use is it to accumulate so many wretched examples of blind or cruel superstitions, which have sullied the worship of GOD upon earth? It is true that man will carry into his worship his passions and his errors, and necessarily corrupt by adopting it. But it is no longer the worship of the divine nature: it is profanation; and nothing proves better than this, how natural a preparation are purity of heart and innocence of life, for true religious sentiment. Let us seek for facts more adapted to instruct us, in the aspirations of mankind. The experience of a good man is that which I consult, and upon which I rest. Religious sentiment in him will be, as it were, but the continuation and consequence of those sentiments which already filled his soul, taking a wider range. He will be religious, for he deserves to be so. All there is in him pure, laudable and generous, will be satisfied. He thirsted for justice, and the streams of an eternal, infinite, universal justice will flow before him, and all the wrongs of the earth will be repaired. He delights in the emotion of gratitude; he will have discovered the Author of all blessings. An idea wandered in his thoughts; he will find it realized. He placed his happiness in devotedness; he will be able to consecrate all the faculties of his being to a boundless love, and to make a tribute to GOD himself, of the good he does to other men.'—pp. 256–61.

After making such liberal extracts from the work before us, we need not repeat our testimony to its merits. Our readers

will perceive, that the author is of a different stamp from that which we have been accustomed, almost involuntarily, to associate with the speculative philosophers of the French school. And to those who remember the influence which the writings of Voltaire, Diderot, and the contributors to the *Encyclopédie* in general, have exerted on the public mind, not only on the continent of Europe, but in England and our own country, it must be no less gratifying than it is to us, to welcome a writer, inferior to none of them in depth and variety of literary attainments, and superior to most in calmness and sobriety of philosophic judgment; who appears as the dignified and enlightened advocate of religion and virtue, and the expounder of principles which recognise the true destiny of human nature. As the friends of just and enlarged views of moral philosophy, and their practical application to the formation of character, we rejoice that this work is added to the literary treasures of our own language. It is an encouraging omen, when a writer of the singular candor and impartiality of Degerando, with an evident disposition to do equal justice to all who have preceded him, however opposed to his own opinions, and possessing a familiar acquaintance with the brilliant theories they have espoused,—lends no ear to their seducing paradoxes, but, having demonstrated the insufficiency of their foundation, in point of argument, and their inadequacy to meet the wants of the intellectual or moral nature of man, in point of sentiment, returns to the acknowledgement and defence of the grand, primary truths, in which is involved all that is most dear to the human soul, and which, though frequently called in question, have remained steadfast as heaven's 'pillared firmament.' In our opinion—and we hope our wishes have not deceived us—the age of a superficial, sensual philosophy, is passing away. Its foundations were first effectually laid bare by the strong thinkers in Germany,—a source, from which has emanated more of the intellectual light on the deepest subjects of philosophic inquiry, than most writers in our language have yet been ready to acknowledge. The best minds in France are awakening to more serious and elevated views of human nature. After the melancholy aberrations of the last century, the country of Descartes, Malebranche, and Fenelon, is resuming her station in support of a spiritual and religious philosophy. We confess that we look with the deepest interest, mingled with a cheerful hope, on the progress of the eclectic school in France, of which Cousin, Royer Collard, Jeoffroy, and Degerando, are dis-

tinguished representatives. We are not prepared to defend all the speculations of the philosophers we have alluded to ; but we do rejoice in their tendency, which is, to place the great truths of the existence of the Deity, the free agency of man, his immortality, and his vocation to moral progress as the chief purpose of his being, on a deep and solid foundation.

We are glad, moreover, as Christians, to welcome among us a work, like this, from the new school of French philosophy. We are weary of the thread-bare sophisms, sanctioned by the former philosophers of that country, and repeated by superficial declaimers since, which tend at once to cast contempt on the nature of man and the truths of the gospel. It is well to have their fallacy exposed by a writer, like Degerando, who, singularly free from prejudices himself, is well qualified to soften the prejudices of others. He reasons, always, like a lover of truth, never like a partisan. We have been surprised, accustomed as we are to witness the rudeness of theological controversy, at the perfect justice and good-will with which he treats opinions the very reverse of his own, and the scrupulous delicacy, with which he distinguishes between the tendency of systems, and the characters of those who hold them. A similar temper we believe to be necessary in every religious or philosophical discussion. What his peculiar *theological* sentiments are, we are not informed. We have no knowledge whether he is a Catholic or a Protestant, a Trinitarian or a Unitarian. We care not to ask. But we do know his *religious* sentiments. They are inscribed on every page of his writings. They breathe in every thought of his mind. They pervade his style, like a living light. They are incorporated with all his views of life, duty, and human destiny. They are of such a character, as to neutralize any theological errors, which may be held in connexion with them ; and therefore we aver, that we care not to ask for his creed. And it is needless to add, that these sentiments are decidedly christian. They are identical with the spirit of the gospel. They do homage to its sublime revelations. They authorise us to unite his testimony with that of the learned and independent Cousin, who expressed his belief to the thronged auditories of Paris, ‘that all truths are contained in Christianity.’

We ought not to close our remarks, without expressing our thanks to the translator for presenting us this work in an English dress. We cheerfully give our testimony to the good

judgment and pure taste, with which the task has been executed. It bears marks of a faithful study of the original, a sufficient knowledge of the author's language, a ready perception of his style of thought and illustration, and a deep sympathy with the beautiful and elevated spirit of his philosophy. The long sentences, in which Degerando often indulges, are divided into periods of more convenient length; and some repetitions, apparently not essential to the subject under discussion, are judiciously omitted. The style is, generally, perspicuous and elegant, the language chaste and unaffected, and the spirit of the author's reasoning happily retained.

It is very properly observed, in the translator's preface, 'that the ideas and representations of moral truth and beauty, not less than those thoughts and feelings which form the essence of poetry, are so inseparable from the precise words in which the creating mind of the author first clothed them, that a work on this subject seems to lose as much by translation, as a poem.' On this account, it is perhaps impossible for such a writer as Degerando to be duly appreciated, except in his own language. His style grows directly out of his thoughts, and the latter, when divested of their native garb, lose much of their freedom and beauty. We do not, then, regard this translation as doing full justice to the original. The reader will be apt to complain of a want of easy and flowing expression, and of obvious connexion between the thoughts. The transition from one idea to another is often so rapid, as to leave a doubt in his mind, whether he has seized the author's meaning. This is not the fault of Degerando. His style is clear as the sun; sometimes rather diffuse, but always graceful and flowing. He dwells upon a thought long enough to give the reader full possession of it, and, if necessary, holds it up in a variety of lights. We think the translation fails in this. The ideas are presented too bare. There are not words enough for the thoughts. This gives many passages an air of harshness and constraint, which renders the effort of attention irksome, and, generally, unsuccessful. It will not do to give too great condensation of thought, in a popular work, and, on this account, it would have been better had the translator followed, more closely, the free and copious diction of the original.

In some other respects, too, we think a more literal translation would have been desirable. The reasons of the translator, it is true, are given, for following an opposite course; but they do not convince us of its correctness.

The critical reader will detect some French idioms, and a few expressions which he would prefer omitted or modified. But we find no instance, in which the sense of the author is perverted; except, perhaps, in some cases, which, after all, may be mere errors of the press.

We have thought it right to point out these faults, but with no wish to detract from the merits of the translation, for we certainly think, after all the exceptions we have felt it our duty to make, it is highly creditable to the translator's taste and skill, and a valuable gift to the public.

ART. VII.—1. *Essays on the Present Crisis in the Condition of the American Indians; first published in the National Intelligencer, under the Signature of William Penn.* Boston, 1829.

2. *Memorials of the Cherokee Indians to the Congress of the United States, presented to the House of Representatives, February 15, 1830.*

3. *Memorial of a Deputation of the Creek Nation of Indians, to the Congress of the United States, presented to the House of Representatives, February 9, 1830.*

4. *Report of Mr White to the Senate of the United States, from the Committee on Indian Affairs, February 22, 1830.*

5. *Report of Mr Bell to the House of Representatives of the United States, from the Committee on Indian Affairs, February 24, 1830.*

6. *Speech of Mr Frelinghuysen, of New Jersey, delivered in the Senate of the United States, April 6, 1830, on the Bill for an Exchange of Lands with the Indians residing in any of the States or Territories, and for their Removal West of the Mississippi.* Washington, 1830.

7. *Speech of Mr Everett, of Massachusetts, on the Bill for Removing the Indians from the East to the West Side of the Mississippi, delivered in the House of Representatives of the United States, on the Nineteenth of May, 1830.* Boston, 1830.

MOST of our readers are probably in some degree acquainted with the controversy between the States of Georgia, Alabama

and Mississippi, and the Indian tribes residing within what are called the chartered limits of those States ; that is, within their boundaries, as they appear upon our maps. The Essays of William Penn, the discussions in the newspapers, and the debates at the last session of Congress, have excited a great, and, as it seems to us, an increasing interest in the subject. The general voice of the nation is, as it should be, clear and decided in the sentiment, that justice should be done to both parties, and at all hazards.

It is not our intention to give an account of the various pamphlets named at the head of our article. It is, however, but justice to say, that the Essays of William Penn contain a very thorough and satisfactory examination of the whole subject, exhibiting great legal and historical research, and much clear and logical argument. No better proof is required of their worth, than the extensive circulation which they have in various ways received, and the powerful influence, which, as we believe, they have exerted in calling forth that deep and general interest which has been recently expressed by the public in the rights of the Indians.

We have no expectation that we shall be able to throw any new light on a subject which has already been so ably treated, not only in the Essays just mentioned, but in the speeches of several distinguished members of Congress. Our only object is to give such a sketch of the history and nature of the Indian controversy, as will make it more thoroughly known to some who have not read the publications to which we have referred. We have felt it an imperative duty not to be silent while a great moral question is agitating our nation, involving in its decision, not merely the character of our country for justice and humanity, but the happiness and lives of many of our fellow men.

We should be careful not to prejudge the question, or to let the sympathy, which we are ever ready to feel for the weak, lead us to disregard the rights of the strong ; and on the other hand, we should be on our guard not to let any fears of a collision between the General Government and the authorities of any State, or of some unknown and uncertain evil, prevent us from attaining and declaring the decisions of right and justice.

In order to understand this controversy, it will not be necessary to describe particularly the boundaries of the Indian nations, whose rights are brought in question. It is sufficient to observe, that the Cherokees occupy a territory comprising the

northwest corner of Georgia, the northeast corner of Alabama, the southeast corner of Tennessee, and the southwest corner of North Carolina, as those States appear on the maps. The Creeks, Choctaws, and Chickasaws occupy extensive territories in Alabama and Mississippi. Whatever may be the rights of these four Indian nations, as a matter of fact it is indisputable, that at the time the acts which we shall mention were passed, and for a long time previous, they formed distinct political communities, governed by their own rulers and their own laws, without any interference of the States within whose limits they reside.

On the nineteenth of December, 1827, a report was made by a joint committee of the Legislature of Georgia, in which they claim for the State an absolute right to the soil and jurisdiction of that part of the Cherokee territory which falls within the State limits; say that the possession of the land by the Indians is only permissive; that they are 'mere tenants at will' to Georgia, and that the State has a right to expel them by force whenever pleased to do so. Several resolutions were reported and passed, in which the same principles are distinctly asserted.

The next year, December 28, 1828, an act was passed by Georgia, to extend her laws over the Cherokee Indians. On the nineteenth of December, 1829, this State passed another act 'to add the territory lying within the chartered limits of Georgia, and now in the occupancy of the Cherokee Indians,' to the adjacent counties. The first five sections of the law enact that the territory shall become a part of the five counties of Carroll, De Kalb, Gwinnett, Hall, and Habersham. The sixth section extends all the laws, both civil and criminal, of the State, over the territory, and provides, 'that all persons whatever, residing within the same, shall, after the first day of June next [1830], be subject and liable to the operation of said laws, in the same manner as other citizens of this State.'

The seventh section provides, that, after the same date, 'all laws, ordinances, orders, and regulations, of any kind whatever, made, passed, or enacted by the Cherokee Indians, either in general council, or in any other way whatever, or by any authority whatever of said tribe, be, and the same are hereby declared to be null and void, and of no effect, as if the same had never existed; and in all cases of indictment or civil suits, it shall not be lawful for the defendant to justify under any of said laws,' &c.; 'nor shall the courts of this State permit the

same to be given in evidence on the trial of any suit whatever.'

The eighth section provides, that it shall not be lawful for any person, by virtue of any Cherokee law or custom, 'to prevent by threats, menaces or *other means*, or to *endeavour* to prevent' any Indian of that nation from emigrating or removing from said nation; or to punish any Indian of that nation for emigrating or intending to emigrate.

The ninth section declares, that any person offending against the provisions of the preceding section, shall be punishable by imprisonment not exceeding four years, at the discretion of the court.

The tenth section enacts, 'that it shall not be lawful for any person or body of persons, by arbitrary power, or under color of any pretended rule, ordinance, law, or custom of said nation, to prevent, or offer to prevent, or deter any Indian, head man, chief, or warrior, of said nation, residing within the chartered limits of this State, from selling or ceding to the United States, for the use of Georgia, the whole or any part of said territory, or to prevent, or offer to prevent, any Indian, head man, chief, or warrior of said nation, residing as aforesaid, from meeting in council or treaty, any commissioner or commissioners on the part of the United States, for any purpose whatever.'

The eleventh section provides, that any person offending against the provisions of the preceding section, shall be punishable by imprisonment for not less than four, nor more than six years.

The twelfth section provides, 'that it shall not be lawful for any person, or body of persons, by arbitrary force, or under color of any pretended rules,' &c. to take the life of any Indian for enlisting as an emigrant, attempting to emigrate, ceding or attempting to cede, the territory, or meeting or attempting to meet, in treaty or in council, any commissioner. The punishment for this offence is death by hanging.

The thirteenth section provides, that where any of the preceding offences is committed under color of any law of the nation, all persons acting therein, as individuals, or as pretended executive, ministerial, or judicial officers, shall be deemed principals, and punishable as such.

The fourteenth section provides for the fees of officers serving process in the territory, and, in case the service is resisted, authorises them to call out the militia to assist them.

The fifteenth section enacts, 'that no Indian or descendant of any Indian, residing within the Creek or Cherokee nations of Indians, shall be deemed a competent witness in any court of this State, to which a white person may be a party, except such white person resides within the said nation.'

It is impossible to read this law without being struck with the injustice and cruelty of its provisions;—injustice and cruelty, even if the pretensions of Georgia to jurisdiction be valid. The long imprisonments, which are to be inflicted for offences committed without violence, and which may be acts done with the firmest belief of right in the offenders, are severe in the extreme. Georgia, however, is not satisfied with punishing the Cherokees for imaginary offences. She deprives them of the protection of the government, laws, and usages to which they have been accustomed, and extends over them her own laws, of which they must be entirely ignorant. This is a degree of cruelty, which a civilised nation would refrain from exercising over a conquered foe. But, though Georgia pretends to give the Cherokees the benefit of her laws, such as it would be to a feeble people residing among strangers using a different language, yet, in the last section, as if in derision of her victims, she sweeps away all the protection which she had seemed to offer. For, if no Indian can be a witness where a white man is a party, how can any of the nation ever obtain redress for an injury which is witnessed only by Indians? The whites are, by this provision, licensed, or rather invited, to go into the Cherokee country and ravage and plunder it at discretion, provided they are careful to do all in the presence of Indians only; for no Indian can make a complaint, or be a witness, to substantiate the offender's guilt. This law, however, is not quite so severe as the statute passed by Georgia the preceding year, which prohibited any Indian, residing within the Creek or Cherokee nations, from being a witness in, or party to, any suit to which a white man was a party.

In imitation of Georgia, the State of Alabama, on the twenty-ninth of June, 1829, passed a law, to extend the jurisdiction of the State over the Creek nation. Mississippi, also, on the nineteenth of January, 1830, passed an act, 'to extend the laws of the State over the persons and property of the Indians resident within its limits,' having in February, 1829, passed 'an act to extend legal process into that part of the State now occupied by the Chickasaw and Choctaw tribes of Indians.'

It is but justice to the States of Alabama and Mississippi, to say, that their statutes, however indefensible, do not breathe the violence which is but too apparent in that of Georgia.

The avowed design of the statutes of the three States, is, to make the Indians residing within what those States regard as their respective boundary lines, subject to their respective State laws. The real object is, to compel the Indians to cede their territories, and retire beyond the Mississippi.

The Cherokees being alarmed at the legislation of Georgia, their delegation addressed a letter, February 17, 1829, to the late Secretary of War, in which they asserted, that their nation was independent of the individual States, and complained of the act of Georgia which had previously passed, as being made 'in defiance of the laws of the United States and the most solemn treaties.' To this letter, the present Secretary of War, by direction of the President, returned an answer, dated April 18, 1829, in which he informs the delegation, that Georgia, being a 'sovereign and independent State,' has a right to extend 'her legislative enactments' over the Cherokee country; but acknowledges their right to the possession and occupancy of their territories, and assures them, that they shall be protected by the United States in the enjoyment of this right. He, however, thinks that the only means by which they can obtain protection and peace, will be a removal beyond the Mississippi, which he urges upon them with great earnestness.

Thus repulsed by the President, the Cherokees took measures, which they describe in the following terms.—'Some months ago,' say they, 'a delegation was appointed by the constituted authorities of the Cherokee nation, to repair to the city of Washington, and, in behalf of this nation, to lay before the Government of the United States such representations, as should seem most likely to secure to us as a people that protection, aid, and good neighbourhood, which had been so often promised to us, and of which we stand in great need. Soon after their arrival in the city, they presented to Congress a petition from our National Council, asking for the interposition of that body in our behalf, especially with reference to the laws of Georgia, which were suspended in a most terrifying manner over a large part of our population, and protesting, in the most decided terms, against the operation of these laws. In the course of the winter, they presented petitions to Congress, signed by more than four

thousand of our citizens, including probably more than nineteen twentieths, and, for aught we can tell, ninety-nine hundredths of the adult males of the nation (our whole population being about sixteen thousand), pleading with the assembled representatives of the American people, that the solemn engagements between their fathers and our fathers, may be preserved, as they have been till recently, in full force and continued operation; asking, in a word, for protection against threatened usurpation, and for a faithful execution of a guaranty, which is perfectly plain in its meaning, has been repeatedly and rigidly enforced in our favor, and has received the sanction of the Government of the United States for nearly forty years.'

The Creek nation, also, sent a deputation to Washington, who presented a memorial to Congress, at its last session, in which they also invoked the protection of the United States, against the legislation of Alabama.

We do not know whether the Choctaws and Chickasaws addressed any memorial to Congress on the subject of the laws of Mississippi; but the Choctaws dread the extension of the State laws over them, and are averse to a removal beyond the Mississippi. Mr Everett, in his speech, says;—

'I have seen an authentic account of the proceedings of the Choctaw Council, lately convened to consider this subject of emigration. It was a scene, as we are told by the Mississippi papers, that could not be witnessed without tears. After the new chief had been installed in office, "he introduced to the council the subject of a removal in this way: he first stated some of the laws of Mississippi, and then inquired of them, whether they would remain where they were, and submit to these laws, or remove over the Mississippi. He also stated the substance of the last talk to them of the President of the United States. The captains and others rose and spoke: the general sentiment was—we are distressed—we cannot endure the laws of Mississippi—we do not think our great father loves us—we must go, as he will not help us while we remain here."—p. 8.

The applications of the Indians to Congress for protection, were neglected. A law, however, was passed, 'to provide for an exchange of lands with the Indians residing in any of the States or Territories, and for their removal west of the river Mississippi.' By this act the President is authorised to exchange United States lands, west of the Mississippi, for lands

of the Indian tribes on this side of that river, 'within the bounds of any one or more of the States or Territories, where the land claimed and occupied by the Indians is owned by the United States, or the United States are bound to the State within which it lies, to extinguish the Indian claim thereto.' The third section provides, that, in making these exchanges, it shall be lawful for the President 'solemnly to assure the tribe, or nation, with which the exchange is made, that the United States will, forever, secure and guaranty to them, and their heirs, or successors, the country so exchanged with them.' The President is authorised to pay for improvements, and to furnish aid to the emigrants to assist in their removal, and for their support one year afterwards; and also to protect them against other Indians, and to extend the same protecting care over the emigrating Indians, which he now does to them in their present residences; 'provided, that nothing in this act contained shall be construed as authorising, or directing, the violation of any existing treaty between the United States and any of the Indian tribes.' The sum of five hundred thousand dollars is appropriated to carry the act into effect.

This act is, perhaps, not to be considered as an expression by Congress of an acquiescence in the pretensions of the three States; but, taking into view the circumstances under which it was passed, it must be regarded as an attempt to avoid a direct decision of the question as to the rights of these States, and to assist them in their efforts to drive the Indians beyond the Mississippi. Congress, however, is not the tribunal which is finally to pronounce upon the conflicting claims of the Indians and the three States. The Supreme Court of the United States may be called on to decide the legal rights of the parties. The Indians have hitherto refused to remove beyond the Mississippi. Their fate is not yet fixed. No apology, therefore, can be necessary for a discussion of their rights and the obligations of the United States.

Our purpose in the ensuing pages, will be, to examine the claims of Georgia, Alabama, and Mississippi to jurisdiction over the Indians residing within their respective nominal limits; and the claim of Georgia to the property of the soil of the Cherokee country, which, as we have seen, she asserts, though she has, as yet, not attempted to enforce it. We shall, in the first instance, and for convenience, consider the case of Georgia and

the Cherokees. We are not aware that it in principle differs materially from that of the other Indian nations, except that the claim of Georgia may, perhaps, in some particulars, be more plausible than those of Alabama and Mississippi.

Are, then, the Cherokees, residing in their own territories, but within the State limits of Georgia, as settled by compact with the United States, within the jurisdiction of that State? Is Georgia the absolute owner of the soil which that nation occupies? Are the Cherokees tenants at her will, and liable to be expelled from their lands at her pleasure? Are the statutes of Georgia binding on the Cherokees? If they are not, are the United States under any obligation to protect these Indians? And if this question be answered in the affirmative, in what mode should this protection be afforded?

Perhaps the difficulty which many persons feel in perceiving the right of Indian nations to their territories, does not arise from any consideration of the relations which these tribes have sustained to Great Britain and the United States, or from any examination of the claims to jurisdiction over their lands, but simply from the circumstance of their having always been accustomed to see these territories in the maps marked as integral parts of the different States, or of the United States. Those who have been long in the habit, perhaps from early childhood, of judging of the extent of our whole country and of the different parts of it, by examining maps, find it hard to realize that a large portion of this vast surface, is occupied by free nations, who are not in any sense subjects of the United States, or of any State.

The Cherokees are, in point of fact, acting as a sovereign nation, not under the jurisdiction of Georgia, and occupying the soil which she claims. As the Cherokees, then, are the party in possession of the subject of controversy, it is incumbent on Georgia, before attempting to annihilate their government and appropriate their possessions, to make her right to do so, clear.

But the title of the Cherokees does not depend on mere present possession. In the language of the Essays,—

‘The Cherokees are human beings, endowed by their Creator with the same natural rights as other men. They are in peaceable possession of a territory which they have always regarded as their own. This territory was in possession of their ancestors, through an unknown series of generations, and has come down to them

with a title *absolutely unincumbered in every respect*. It is not pretended, that the Cherokees have ever alienated their country, or that the whites have ever been in possession of it.

‘If the Cherokees are interrogated as to their title, they can truly say, “God gave this country to our ancestors. We have never been in bondage to any man. Though we have sold much land to our white neighbours, we have never bought any from them. We own the land which we now occupy, by the right of the original possessors; a right which is allowed in all countries to be of incontestable validity. We assert, therefore, that no human power can lawfully compel us to leave our lands.”

‘If the Cherokees are correct in their statement of facts, who can resist their conclusion? We might as well ask the Chinese, what right *they* have to the territory which they occupy. To such a question they would answer, “God gave this land to our ancestors. Our nation has *always* been in possession of it, so far as history and tradition go back. The nations of Europe are comparatively of recent origin; the commencement of ours is lost in remote antiquity.”

‘What can be said to such a statement as this? Who can argue so plain a case?

‘It has been alleged, that the savage of the wilderness can acquire no title to the forests, through which he pursues his game. Without admitting this doctrine, it is sufficient to reply here, that it has no application to the case of the Cherokees. They are at present neither savages nor hunters. It does not appear that they ever were mere wanderers, without a stationary residence. At the earliest period of our becoming acquainted with their condition, they had fixed habitations, and were in undisputed possession of a widely extended country. They were then in the habit of cultivating some land near their houses, where they planted Indian corn, and other vegetables. From about the commencement of the present century, they have addicted themselves more and more to agriculture, till they now derive their support from the soil, as truly and entirely as do the inhabitants of Pennsylvania or Virginia. For many years they have had their herds, and their large cultivated fields. They now have, in addition, their schools, a regular civil government, and places of regular christian worship. They earn their bread by the labor of their own hands, applied to the tillage of their own farms; and they clothe themselves with fabrics made at their own looms, from cotton grown in their own fields.’—*Essays*, pp. 7, 8.

The account which an earlier author gives of the Cherokees, supports their pretension to immemorial occupancy. ‘It may be remarked,’ says the writer to whom we refer, ‘that the Che-

rokees differ in some respects from other Indian nations that have wandered often from place to place, and fixed their habitations on separate districts. From time immemorial they have had possession of the same territory which at present they occupy. They affirm that their forefathers sprung from that ground, or descended from the clouds upon those hills. These lands of their ancestors they value above all things in the world. They venerate the places where their bones are interred, and esteem it disgraceful, in the highest degree, to relinquish these sacred repositories. The man that would refuse to take the field in defence of these hereditary possessions, is regarded by them as a coward, and treated as an outcast from their nation.*

The title of the Cherokees depends on long possession.—What, then, are the grounds of the claim made by Georgia?

In stating the arguments advanced by the advocates of Georgia, we shall follow the highest authorities; among which are the Report to the Legislature of Georgia already mentioned; the Report made at the last session of Congress by Mr White to the Senate, from the Committee on Indian Affairs; the Report made by Mr Bell to the House of Representatives from a similar committee, and the letter of the present Secretary of War to the Cherokee delegation, dated April 18, 1829.

The general course of argument is as follows. The king of Great Britain, through the discovery of the United States by his subjects, obtained the right of soil and sovereignty over the vast territories between the Atlantic and Mississippi, then occupied only by wandering savages. Even if this right of discovery did not make the king sovereign over the Cherokees, yet he was, in fact, sovereign over them as well as other Indian tribes; for the Cherokees acknowledged him as such, and the charter of Georgia was an assertion of sovereignty over the savage nations comprised within its boundaries. 'By the declaration of independence, and subsequently by the treaty of 1783, all the rights of sovereignty pertaining to Great Britain became vested respectively in the original States of the Union, including' Georgia, 'within whose territorial limits, as defined and known,' a part of the Cherokee nation resided. Since that time the Cherokees have been permitted to dwell and hunt on certain territories. But this mere permission is not an abandonment of the original right of sovereignty. It is, also, some-

* Historical account of South Carolina and Georgia, published in London, 1779, Vol. II. p. 201.

times said, that the Cherokees are a conquered nation, and, therefore, that Georgia may exercise over them the rights of a sovereign. In support of this chain of title, it is urged, that the right of discovery, as here asserted, is recognised by all civilized nations; and that most of the original States have asserted the same right of sovereignty over the Indians residing within their limits, whenever they have thought it expedient, and that the property of all the land in this country is founded on this title.

We shall say nothing of the humanity of the doctrines which we have just stated, without any exaggeration, from the publications on the Georgia side. But the whole argument is hollow and unsubstantial. We are far from admitting the rights of discovery as stated by the most approved writers on the law of nations; but the principles which they lay down, even if correct, afford no support to the pretensions of Georgia.

Vattel, after asserting that the cultivation of the soil is a natural obligation, says, that nations who live an idle life, usurping more territories than they would have occasion for were they to use honest labor, 'have no reason to complain, if other nations, more laborious and too closely confined, come to possess a part. Thus, though the conquest of the civilized empires of Peru and Mexico was a notorious usurpation, the establishment of many colonies on the continent of North America, may, on their confining themselves within just bounds, be extremely lawful. The people of these vast continents rather overran than inhabited them.'* In another place he says, that there is 'a celebrated question to which the discovery of the new world has principally given rise. It is asked, if a nation may lawfully take possession of a part of a vast country, in which there are found none but erratic nations, incapable, by the smallness of their numbers, to people the whole.' After referring to the passage just cited, he says, that their removing their habitations through these immense regions, cannot be a true and legal possession, and that 'the people of Europe, too closely pent up, finding land of which these nations are in no particular want, and of which they make no actual and constant use, may lawfully possess it, and establish colonies there.' The earth, he proceeds to say, was made to supply subsistence for the human race in general, and would not be able to sustain a tenth part

* Vattel, Book I. sec. 81.

of its present inhabitants by hunting, fishing, and wild fruits. 'People have not, then, deviated from the views of nature in confining the Indians within narrower limits. However, we cannot help praising the moderation of the English Puritans who first settled in New England; who, notwithstanding their being furnished with a charter from their sovereign, purchased of the Indians the land they resolved to cultivate. This laudable example was followed by Mr William Penn, who planted the colony of Quakers in Pennsylvania.'* In another place, he says, that unless a nation is in absolute want of land, and under a pressing necessity, it has no right to take any part of the territory of a wandering tribe of shepherds, who possess their lands in common.†

It appears from these passages, that, in Vattel's opinion, three things were necessary in order to give a civilized nation a right to take a portion of the lands of a savage tribe. 1. The territories of the civilized nation must be crowded with an overflowing population. 2. The savage nation must support itself by hunting and fishing, and not by regular labor. 3. The savage nation must have abundance of land to spare. These extracts also imply that sufficient land ought to be left for the savage tribes. Now it cannot be questioned that the Cherokees have supplied, very liberally, every claim for land which, upon the principles of Vattel, their white neighbours can have, and that Georgia is not so crowded with population as to render any further accession of territory necessary for its support. Besides, the Cherokees are no longer a savage nation supporting themselves by hunting. They now derive their support from the cultivation of the soil, of which no better evidence can be given than the following statistical table, which we take from Mr Everett's Speech.

'A STATISTICAL TABLE, EXHIBITING THE POPULATION OF THE CHEROKEE NATION, AS ENUMERATED IN 1824, AGREEABLY TO A RESOLUTION OF THE LEGISLATIVE COUNCIL; ALSO, OF PROPERTY, &c. AS STATED.

Population	-	-	-	-	-	-	15,060
Male Negroes	-	-	-	-	-	610	} 1,277
Female Negroes	-	-	-	-	-	667	
Grand Total of Males and Females	-	-	-	-	-	-	13,783
Total Number of Females	-	-	-	-	-	-	6,900
Females over 40 years of age	-	-	-	-	-	-	782
Females from 15 to 40 years	-	-	-	-	-	-	3,108

* Vattel, Book I. sec. 209.

† Book II. sec. 97.

Females under 15 years of age	-	-	-	-	3,010
Total number of Males	-	-	-	-	6,883
Males over 59 years of age	-	-	-	-	352
Males from 18 to 59 years of age	-	-	-	-	3,027
Males under 18 years of age	-	-	-	-	3,054
Add for those who have since removed into the nation from North Carolina, who were living in that State on reservations	-	-	-	-	500

Remarks. There are one hundred and fortyseven white men married to Cherokee women, and sixtyeight Cherokee men married to white women.

'There are 18 schools in the nation, and 314 scholars of both sexes, 36 grist mills, 13 saw mills, 762 looms, 2,486 spinning wheels, 172 wagons, 2,923 ploughs, 7,683 horses, 22,531 black cattle, 46,732 swine, 2,566 sheep, 430 goats, 62 blacksmith's shops, 9 stores, 2 tan yards, and 1 powder mill, besides many other items not enumerated; and there are several public roads, and ferries and turnpikes, in the nation.'

It is evident from this table, 'that agriculture is the principal employment and support of the people.' There is no answering such a document as this, and, therefore, we shall not trouble our readers with the great mass of evidence that corroborates it. We shall only add one remarkable fact, which, though strikingly expressed by Mr Everett, is a literal truth; namely, that the Cherokees, 'in their official papers, written by themselves, plead for their rights, in better English, than that of the high officers of government, who plead against them.'

It is also to be observed, that though Vattel admits the propriety of civilized nations obtaining a share of the unoccupied land of savage tribes, he does not assert, or even imply, that the civilized nations have a right to all the land of the savage tribes, or any jurisdiction over them, while residing beyond the limits of the land actually occupied by the civilized State.

But the claim arising from the right of discovery, as made by Great Britain, is very different from what the advocates of Georgia now represent it to have been. It is stated, with great clearness and accuracy, in the following extract from a Report made by Mr Everett to the House of Representatives in 1827, as chairman of a select committee with regard to the then existing controversy between the State of Georgia and the Creeks.

‘The civilized nations of Europe, who, at different periods, discovered and settled the various portions of the American Continent, founded, principally on the right of discovery, a claim to the sovereignty over the regions so discovered. This claim of sovereignty does not appear, at least in the case of the English Government, to have extended, in itself, beyond an exclusion of the claims of other nations. The Committee are not aware that the English Government, or its representatives, the Colonial Governments, ever assumed, in virtue of this claim of sovereignty, to exercise the power of internal legislation over the persons who composed the various Indian tribes, within the regions to which the claim of sovereignty extended. These tribes were, on the contrary, considered and treated as separate, and, to a certain degree, independent nations. A friendly intercourse with them was kept up by means of conferences and councils; boundaries, the right to establish and maintain military posts, and occasionally the right of passage, were matter of stipulation, by formal conventions, entered into between the Crown or Colonies on the one hand, and the Chiefs and Warriors of the tribes on the other. When the provisions of these treaties were broken by the Indian tribes, or when, in any other way, a state of hostility arose, wars ensued, as between separate civilized countries, and these wars were concluded by treaty. No doubt, in the most early periods of our history, and in reference to the remnants of tribes, which had ceased to have a separate existence, transactions may have occurred, which imply a different principle of action on the part of the British or Colonial Governments: but it is believed that no attempt was ever made by those Governments, or any of them, to incorporate the Indian tribes into the body politic, or to carry the right of sovereignty farther, than to exclude the sovereignty of other free States, and to regulate, at discretion, the intercourse with the tribes thus subjected.

‘In like manner, the European Governments claimed, in virtue of discovery, a right in the soil occupied by the Indian tribes. It is not necessary, nor perhaps possible, to define the precise extent to which this claim was carried, in all instances. It is well known, however, that it was a claim of a right of pre-emption residing in the Government. By various public and legislative acts, individuals were disqualified from acquiring a title to Indian lands, by direct purchase of the Indians; and the Government recognised a right of occupancy in the Indians, which it claimed to itself the exclusive prerogative of extinguishing. This well known fact has received the sanction of Judicial decision, (8th Wheaton,) in the case of Johnson and Graham’s lessees, vs. McIntosh. Such was the state of things before the Revolution.’

It is sometimes suggested that the king of Great Britain acquired the sovereignty over the Cherokees, by their voluntary acknowledgement, when six of their chiefs made a treaty at London, in 1730, and in other treaties; and that he also obtained it by right of conquest. But this treaty does not imply any absolute sovereignty in the British king. All that it says on the subject, is, that the chiefs were deputed by Moytoy, the chief warrior of the Cherokees, 'to attend Sir Alexander Cumming to Great Britain, where they had seen the great king George: and Sir Alexander, by authority from Moytoy and all the Cherokees, had laid the crown of their nation, with the scalps of their enemies and feathers of glory, at his Majesty's feet, as a pledge of their loyalty.' If we suppose the Indians to have understood these flourishes, which it is almost certain they did not, the expressions only conform to what we suppose to be their actual relation;—that of a sovereign nation under the protection of the king of England. It is, however, scarcely necessary to answer an argument on which even its supporters place but little reliance. We only remark that this treaty and the rest were annulled by ensuing wars; and that the king's right of sovereignty must be judged of by the actual relations of the parties. So, too, with regard to the right of sovereignty supposed to be acquired by conquest, admitting such a conquest ever to have been made; if this right was at first indefinite, it was limited by the treaty of peace, by which the conqueror is bound, as well as by the construction which is given to the treaty by usage. Now the king of Great Britain never, in fact, extended his jurisdiction over the Cherokee nation; and the nature and extent of his sovereignty are shown by the power which he actually exercised over them.

We may admit, that Great Britain claimed a sort of sovereignty over the lands in possession of the Indian tribes. There is no doubt, that the charter of Georgia assumed to grant lands stretching from the Atlantic to the Pacific, and covering the territory of the Cherokees. There is no doubt, that many of the Indian tribes acknowledged themselves to be under the sovereignty of the king of Great Britain, and that they considered themselves as under his protection. Yet when we examine the real situation of the parties, and their acts during a long course of years, it will be obvious that the Indians were regarded as distinct and sovereign nations, governed by their own laws and usages, sometimes at war and

sometimes at peace with Great Britain. We never find, that the king attempted to extend the common law, or the laws of the colonies, over the Cherokees, or to deprive them of their own laws. We never find, that he attempted to regulate their government, or sent them governors; or that he attempted to take their lands for his colonies, except by purchase. They were never taxed. They were not called the subjects, but the allies of Great Britain. Their wars, though conducted with cruelty, and said by the English to be unprovoked and unreasonable, were still called wars, not rebellions or insurrections. Those wars were terminated by treaties, and cessions of land were obtained from them by treaties. The captives taken from them were not called or punished as rebels, but regarded as prisoners of war. The rights of Georgia, as successor to the sovereign power of England, cannot extend beyond those exercised by the king of England, and recognised by the Cherokees. The sovereign power of Georgia, if it exists at all, must be limited by the actual mode in which it has been exercised and understood for the last century. If it belonged to Georgia, it would be, as has been already stated, a mere right of preemption, a right to acquire the soil when the Indians sell or abandon it, in preference to any other State or people, without any jurisdiction whatever over the Indians.

Is, then, the mere name and claim of sovereignty,—for, beyond the defined right of preemption, it is nothing but a name,—to deprive these Indians of that right of self-government, which they have exercised beyond the memory of man? Is this dormant claim of no more vigor in fact than the claim of the kings of England to the crown of France, which lasted for centuries after they had recognised the actual government of France; or the title of the king of Spain to America, by virtue of the bull of Pope Alexander VI.,—is such a claim to have power to destroy the government and laws of free and sovereign nations? Suppose that the parliament of George III., pretending that he was king of France in fact, because he and his predecessors had so long borne that title, should have passed a statute bringing all the territories of France under the jurisdiction of the common law, annulling all the laws of France, and prohibiting Louis XVI. from calling himself king of France, and all persons from acting as officers under him,—it would not have been an act of more absolute and obvious injustice, than the statutes of Georgia, Mississippi, and Alabama.

The rights of the Indians could not be decided by the mere formal claims of the king of Great Britain. They could not be made his subjects, or his slaves, by charter. Their relation to Great Britain is defined by the conduct and mutual understanding of both parties. About these, there can be no question. Great Britain, as we have already remarked, always treated the Indians as sovereign nations. The charter of Georgia, it is true, in words, gave a sovereignty over an immense extent of territory, comprehending all the territory of the Cherokees which is within the States of Georgia, Alabama, and Mississippi. But it appears that this charter, though absolute in its terms, was not considered as giving any title to the land against the Indians; for, one of the first steps taken by Gen. Oglethorpe when he made his settlement at Savannah, in 1733, was to make a treaty with the Creeks, by which they granted to the Trustees for Establishing the Colony of Georgia in America, a free and complete right and title, 'for all the lands between Savannah and Alatamaha rivers, extending west to the extremity of the tide waters,' with reservations of certain tracts to the Indians.

Even before this time, as early as the year 1721, a congress was held by Gov. Nicolson, of South Carolina, with the Cherokees, 'a powerful nation, computed at this time to consist of no less than six thousand bowmen,' at which congress, the governor, it is said, 'marked the boundaries of the lands between them and the English settlers.'* The historian, after mentioning a treaty made with the Creeks at the same time, by which the Savannah River was fixed on as a boundary between them and the English, says,—'Such negotiations were in many respects useful and important; for where Europeans take possession of lands contrary to the inclination, and without permission and consent of these free and independent nations, it would puzzle a wise man to vindicate their tenure on any principles of equity and justice.'†

In 1755, Gov. Glen, of South Carolina, had a congress with the Cherokees in 'their own country.' 'At this congress,' the historian says, 'a territory of prodigious extent was ceded and surrendered to the king. Deeds of conveyance were drawn up, and formally executed by their head men, in the name of the whole people. It contained not only much rich

* Historical Account of South Carolina and Georgia, Vol. I. p. 297.

† *Ib.* p. 298.

land, but there the air was more serene, and the climate more healthy than in the maritime ports.'*

In 1759, a war broke out with the Cherokees, in which the provinces of Georgia and South Carolina suffered severely. A peace was finally concluded with them, in 1761, at Charleston.

In 1763, 'the head men of the Catabaws, Cherokees, Choctaws, Chickasaws, and Creeks, were invited to a general treaty to be held at Augusta;' which was attended by the Governors of Georgia, South Carolina, and North Carolina, the Lieutenant Governor of Virginia, and Capt. John Stewart, Superintendent of Indian Affairs in the Southern Department. This treaty was concluded November 10, 1763; and it was agreed, that a further territory, described in the treaty, should be annexed to Georgia. 'The Cherokee and Creek nations of Indians, being indebted to the English Indian traders in greater sums than they could pay in peltries, and being desirous to discharge their debts, ceded and granted to the king this tract of country *upon the frontiers* of Georgia; that the same should be sold, and that the proceeds of the sale should be appropriated to the payment of their debts to these traders.'† Capt. M'Call, after giving an account of this treaty, adds;— 'I believe it may be said of Georgia, that there has been no instance in which lands have been forced from the Aborigines by conquest; and that, in all cases, the Indians have expressed their entire satisfaction at the compensations which have been given them for acquisitions of territory.'‡

In June, 1773, another treaty, of a similar character, was made at Augusta, by which the Cherokees and Creeks ceded a tract of country to the king, for the purpose of having their debts to the traders paid out of the sales.

These treaties show, as we think, most conclusively, that Great Britain, in fact, did not claim the land occupied by the Indians, until it was obtained by purchase, and neither claimed nor exercised jurisdiction over them.

That these savage nations had rights which Great Britain respected, is proved by the celebrated proclamation issued by the king in 1763, soon after peace was concluded with France. This proclamation says, that it is just, and essential

* Historical Account of South Carolina and Georgia, Vol. II. p. 204.

† M'Call's Hist. of Georgia, pp. 301, 302.

‡ Ib. 302.

to the security of the colonies, that the 'nations or tribes of Indians, with whom we are connected, and who live under our protection, should not be molested or disturbed in the possession of such parts of our dominions and territories as, not having been ceded to, or purchased by us, are reserved to them, or any of them, as their hunting grounds.' It therefore prohibited the governors of the colonies 'for the present, and until our future pleasure be known,' from granting warrants of survey, or passing patents 'for any lands beyond the heads or sources of any of the rivers, which fall into the Atlantic ocean from the west and northwest, or upon any lands whatever, which, not having been ceded to, or purchased by us, as aforesaid, are reserved to the said Indians, or any of them.' The proclamation then declares it to be the royal will to reserve under the king's 'sovereignty, protection, and dominion, for the use of the said Indians,' all the lands lying westward of the sources of the same rivers, and forbids all the king's 'loving subjects' from settling on those lands without his license; orders all persons, who have inadvertently settled on lands which have not been ceded by the Indians, to remove; forbids the purchase of lands from the Indians by private persons, and directs, that all purchases shall be made in the king's name, at a public assembly of the Indians, held by the governor of the colony in which they lie, but that, in proprietary governments, the purchases be made in the name of the proprietaries. It is to be observed, that the charter of Georgia having before this time been surrendered to the king, the government had ceased to be proprietary.

This proclamation shows, that, at that time, the Indians were considered as having a title to their lands, which could be taken from them only by cession or purchase. It also proves, that they were regarded as nations having a distinct political existence. They are called the nations, or tribes, 'with whom we are connected, and who live under our protection,' not whom we have conquered, or who have become our subjects by right of discovery.

The relation of the Indian nations to Great Britain before the independence of this country, then, is clear. They were sovereign nations, living under the protection of the king, with a complete title to their soil and the undisputed right of self-government. For their protection, trade with them was regulated, and the whites were prohibited from encroaching on their territories. The Indians, however, were not absolutely inde-

pendent; for the right of purchasing the soil was considered to be solely vested in the crown, or in the proprietary governments. Yet this restraint, it will be observed, did not operate directly upon the Indians, but only upon purchasers from them, and was not any exercise of jurisdiction over them.

If Georgia, therefore, succeeded to the rights of the crown over the Indians, as it is asserted that she has done, it would not tend, in the slightest degree, to substantiate her claims to the absolute ownership of the soil of the Indian territory, and to jurisdiction over the Indians within her State lines. But we deny that Georgia ever succeeded to all the rights of the crown. It is well known, that, from a very early period in our national history, a controversy had existed between the United States and the State of Georgia, as to the right in the territories actually occupied by the Indian tribes, but within what Georgia regarded as the bounds of the State, each party claiming to have succeeded to the rights which the king of Great Britain had previously to the revolution. Similar controversies, on the part of other States, were settled by voluntary cessions to the United States. In this controversy, however, the nature of the Indian title, and the character of the rights of the Indians, were not, that we are aware, brought into question.

At the time when the articles of confederation were formed, the United States were in great danger from the tribes of Indians on the borders of our settlements, who were either in a state of actual hostility, or liable to be made so by the emissaries of Great Britain. Under these circumstances, the propriety of giving the regulation of all intercourse with these tribes, to the General Government, was obvious. Accordingly the articles of confederation contained a provision, that the United States should have the sole and exclusive right and power of 'regulating the trade and managing all affairs with the Indians, not members of any of the States; provided, that the legislative right of any State, within its own limits, be not infringed or violated.'

It has been urged, from this law, that the right of the old Congress did not extend to the Indians within the chartered limits of any State. But the expression, 'not members of any State,' we should think, was meant to describe, not Indians who resided without the chartered limits of any State, but those who had not been subjected to the laws or jurisdiction of any State,

whether^r within its chartered limits or not. Any one who considers the extent of territory covered by the charters of the different colonies, will at once perceive, that to give a right of managing affairs with Indians *out* of the chartered limits of any State, would have been nugatory. Besides, the proviso shows, that it was the intention of this article to operate on Indians within the chartered limits of the States ; for it carefully protects the legislative rights of the individual States, within whose limits the Indians may happen to reside. What was the precise object of the proviso, it is not easy to determine ; and, to our present purpose, it is not important, for no such proviso is contained in the Constitution. But the mode in which Indian affairs were actually regulated, before the Federal Government was formed, is worth considering.

We find, then, that as early as 1775, even before the articles of confederation were made, Congress appointed commissioners to treat with the Indians, and keep them in friendship with the United States. From that time, down to the adoption of the Federal Constitution, Congress was constantly passing resolutions, and appointing commissioners in relation to Indians within the chartered limits of the States, and making treaties with such Indians ; among which are those of Hopewell, entered into in 1785, with the Cherokees, Choctaws, and Chickasaws, all then within the chartered limits of Georgia. Congress also passed, in 1786, an ordinance for the regulation of Indian affairs, by which the trade with them was to be governed, and issued, in 1783, a proclamation, which prohibited the purchase of land from the Indians without the consent of the United States, and another, in 1788, to secure the Cherokees against intruders from North Carolina. In short, if we go through the history of this period, we shall find Congress uniformly claiming the right of treating, and regulating the intercourse, with the Indians occupying lands within the chartered limits of the States.

Georgia, it is true, at this time, did not acknowledge the powers of Congress in this respect, but claimed a right to treat with the Indians within what she considered her State limits, and actually entered into treaties, both with the Cherokees and the Creeks, and obtained cessions of land from them, and settled the line between them and the State. It is also true, that the House of Representatives of Georgia formally protest-

ed against the treaties of Hopewell. But, in all these state papers, we are unable to find that Georgia ever pretended that the Indian title amounted to nothing, that the Indians were her tenants at will, or that she had any right of governing them. On the contrary, by the very acts of treating with, and purchasing lands of them, she acknowledged, in the strongest manner, their sovereignty and their right to the soil.

But, even if the opinions of Georgia as to her sovereignty at this time, were not clear, the rights of the Indians were well understood by others. While the commissioners of the United States were, in 1785, negotiating with the Creeks at Galphinton, a short time before the treaties of Hopewell were made, the agents of Georgia entered a formal protest against the proposed treaty as tending to deprive the State of a part of her soil and sovereignty. To this, the commissioners gave a written answer, from which the following is an extract:—‘We find, moreover, that the several Indian nations have uniformly, both before and since the revolution, been treated with as free and independent people, and the sole proprietors of the soil, until any part of it is fairly and willingly purchased from, or relinquished by them; that the protection and guardianship of these their rights, which were universally allowed to have been in the king of Great Britain, are now devolved upon, and vested in the Congress of the United States, which they have exercised before as well as since our independence, and very early divided the execution of this trust into three districts, the northern, middle, and southern.’*

When the Federal Constitution was formed, the importance of having the General Government regulate intercourse with the Indians, was still felt. Accordingly, Congress has the power given it ‘to regulate commerce with foreign nations, and among the several States, and with the Indian tribes,’ without any exception to the generality of the provision; and the power to make treaties is vested in the President and Senate, and these treaties are declared to be the ‘supreme law of the land; and the judges in every State shall be bound thereby, anything in the constitution or laws of any State to the contrary notwithstanding.’

The omission of the expression, ‘not members of any State,’

* The resolves referred to, were passed July 12, 1775. The southern department included the Cherokees and all the Indians south of them.

and of the subsequent proviso in the clause relative to regulating commerce with the Indians, which, as we have seen, are found in the articles of confederation, was not made inadvertently, but for the very purpose of giving Congress a power beyond dispute in this respect, with regard to the nations of Indians within the chartered limits of any State. Mr Madison, in the *Federalist*, speaking on this subject, says ;—‘ The regulation of commerce with the Indian tribes, is, very properly, unfettered from two limitations in the articles of confederation, which render the provision obscure and contradictory.’

Since the Constitution went into operation, the treaties which have been entered into with the Indian tribes, in pursuance of the power given to Congress, are very numerous, being many more than all the treaties entered into by the United States with all other nations. Without considering the treaties with other Indian nations, though they strongly confirm our positions, we shall merely examine those between the United States and the Cherokees, from which it will be apparent, that those Indians have always been regarded as a free nation, living under the protection of the United States, the owners of their country, and not, in any manner, subject to Georgia. This examination will show, not only what are the rights of these Indians, as recognised by the United States, but what claims they have upon the General Government for the protection of those rights, in the present exigency of their affairs.

Here, however, we are met by two objections, either of which, if it prevails, is supposed to be fatal to the cause of the Cherokees. It is said, first, that they are not sovereign and independent nations, and therefore, that the compacts formed with them are not strictly treaties ; and, second, that the Constitution did not confer the power of treating with Indians within the chartered limits of any State. But in these treaties, the Cherokees always act as a sovereign nation. They are called a nation ; and the treaties are executed by their chiefs, their head men, and their warriors in behalf of the nation. All this implies an independent political existence, and an organized government. On the part of the United States, too, these compacts are not merely treaties in name, but they are all ratified as such, by the President and Senate, in the same manner as all other treaties. It is only as treaties, that they are binding on the United States ; for, if not treaties, the ratification of the President and Senate would not give them validity, and every com-

pact with the Indians would require an act of Congress to confirm it. But this is not all. During the forty years which the Federal Government has been in operation, the binding obligation of these treaties as treaties, has, we believe, until very recently, never been disputed. Many laws of Congress have been passed to carry their provisions into effect, without a question, that we are aware of, as to their validity.

Georgia, too, has herself distinctly acknowledged their obligation. In the articles of agreement and cession between the United States and Georgia, of 1802, which we shall notice more fully hereafter, one of the conditions of the cession made by Georgia, is, that the United States shall extinguish the Indian title to lands in that State, peaceably and upon reasonable terms. Before this compact was made, the United States had entered into many treaties with the Indians, by which cessions of lands were obtained. It was well known that the only mode of obtaining lands from the Indians authorised by law, and permitted by the National Government, was by treaty or convention, entered into under the authority of the United States. When, therefore, Georgia became a party to these articles, she not only acknowledged the right of the General Government to treat with the Indians, but actually bound it to enter into such treaties. And it is not too much to say, that Georgia, by entering into this compact, deliberately recognised the existing treaties with the southern Indians, and ratified, as far as was in her power, such future treaties as the United States might enter into, in order to perform their part of the contract. Yet Georgia now says, that the very treaties which the United States have entered into, in performance of this obligation, are not binding upon her, though they are, both in form and substance, according to what were then her wishes and expectations!

The legislature of Georgia, too, has on many other occasions, and in various ways, fully recognised the binding force of Indian treaties, and a very large part of the acknowledged territory of the State, is now held by virtue of them. Nay, the authorities of Georgia have, for a long time, and in every way, been urging the United States to extinguish the Indian title by means of treaties, which they now pretend are mere nullities!

It is further contended, that Georgia being a 'sovereign and independent State,' no treaty which diminishes that sovereignty by depriving her of her territory and jurisdiction, can be binding on her, and that such a treaty made by the United States is

unconstitutional. We are not disposed to dispute that Georgia is a sovereign State ; but, being a part of the United States, she is certainly not independent, but bound by the Constitution, laws, and treaties of the General Government. This argument assumes the sovereignty of Georgia over the Cherokee country, which is the very point to be proved, and which has never yet been proved, unless taking it for granted is proving it. Besides, the power of making treaties, as given to the President and Senate, is under no such limitation as this objection supposes. The power is absolute and unconditional; and the treaties made under it, are declared to be the supreme law of the land, anything in the laws or constitution of any State to the contrary notwithstanding.

The President and Senate would no doubt shrink from ratifying a treaty by which any part of any State actually occupied by our citizens, should be ceded to a conquering enemy, as the price of peace. No American is willing to imagine, that a sacrifice of this description can ever become necessary. Yet should such a cession be ever duly made by treaty, which we trust never will happen, it would be difficult to show that it would not be binding on the country. But how different is the case before us ! The territory in dispute is not occupied by our citizens, and it is not ceded. The treaties merely acknowledge the fact, which was not disputed when they were made, that the title of the Indians is paramount to that of the United States and of any State ; while Georgia now pretends, what she did not then assert, that she has a title superior to that of the Indians. Even if Georgia had then advanced such pretensions as she now does, yet there would have been good reason for extinguishing them by treaty.

It has been also argued, that the provision in the Constitution, that ' the United States shall guaranty to every State in this Union, a republican form of government, and protect each of them against invasion, and, on application of the legislature, or of the executive when the legislature cannot be convened, against domestic violence, '—renders the treaties with the Cherokees void as it respects Georgia. For, it is said, ' How can Georgia have a republican form of government, coextensive with her limits, unless a majority of her citizens are permitted to prescribe rules, to which *all must conform* ? How will the United States have made good the guarantee against domes-

tic violence, if they permit a portion of the population *within her limits*, to establish a government contrary to her will, with authority to prescribe rules inconsistent with those prescribed by herself ?'

In presenting this argument, we have adopted the very words of Mr White, in his Report to the Senate, to show the wretched sophistry to which men will resort in support of a favorite opinion. This reasoning, though much relied on by the advocates of the Georgia doctrines, seems almost too feeble to require an answer. It assumes, like the preceding argument, the very points which it is brought to support. It takes for granted that the Cherokees are within the limits of Georgia, that their territory is a part of the State, and that they are her subjects and a part of her population. But if they are not a part of her population, if they are not her subjects, if their territory is not a part of her State, how is Georgia aggrieved by a recognition of these facts in treaties ?

It is, then, we think, clear, that the treaties made with the Cherokees are binding on the United States. They are fifteen in number, commencing with the treaties of Hopewell, made under the Confederation in 1785, and ending with a treaty made at Washington in 1819. Our limits will not allow us to go into a particular examination of all the provisions of these instruments. The reader who is interested in the subject, will find such an examination executed in a masterly manner in the Essays of William Penn. All these compacts, however, as we have already remarked, recognise the existence of the Cherokees as a sovereign nation under the protection of the United States, and entirely independent of Georgia. The assent of Georgia is never supposed to be necessary to their validity. As remarked by the writer from whom we have already quoted so largely, a treaty—

'Is a compact between independent communities, each party acting through the medium of its government. No instrument, which does not come within this definition, can be sent to the Senate of the United States, to be acted upon as within the scope of the treaty-making power.

'If the agents of the United States purchase land for a public object, such a purchase is not a treaty. If the State of Virginia, on the application of the United States, cedes a piece of land for a navy yard, or a fort, a compact of this sort is not a treaty. If the State of Georgia cedes to the United States all its claim to

territory enough for two large new States, and the United States agree to make a compensation therefor, such cession and agreement are not a treaty. Accordingly, such negotiations are carried on and completed by virtue of laws of the National and State Legislatures. Of course, compacts of this kind are never called treaties; and the idea of sending them to the Senate of the United States for ratification would be preposterous. One of the confederated States is not an independent community; nor can it make a treaty, either with the nation at large, or with any foreign power. But the Indian tribes and nations have made treaties with the United States during the last forty years, till the whole number of treaties thus made, far exceeds a hundred, every one of which was ratified by the Senate before it became obligatory. Every instance of this kind implies that the Indian communities had governments of their own; that the Indians, thus living in communities, were not subject to the laws of the United States; and that they had rights and interests distinct from the rights and interests of the people of the United States, and, in the fullest sense, public and national. All this is in accordance with facts; and the whole is implied in the single word *treaty*.
—*Essays*, p. 20.

We do not think that our author insists too much upon the circumstance of the Cherokees having made treaties with the United States. The same conclusion is drawn, in a case somewhat similar, by Ward, a learned and acute writer upon the law of nations. In order to prove that the Hanseatic League constituted a sovereign power, although some of the cities of which it was composed were under the control of several different sovereigns, he mentions that it exercised the rights of sovereignty, such as declaring war, and making alliances with princes; and then says, that the language of the treaties entered into by the League, proves it to have been a sovereign power. 'The very titles of the deeds import them to be, what none but sovereigns can make, namely, *treaties of peace*.'

Among the principal objects stated in the treaties with the Cherokees, are, 1. To maintain peace, friendship, and trade between them and the United States, and fix the boundaries between the two parties. 2. To obtain cessions of land from the Cherokees. 3. To obtain, for the United States, the right of regulating trade with the Cherokees; and certain privileges for our citizens, as that of navigating the waters, and making and using roads, within the Cherokee territory. 4. To obtain, for the Cherokees, payment in annuities, and otherwise, for the

lands which they cede. 5. To obtain for the Cherokees a guarantee for their remaining lands, and protection against crimes committed by citizens of the United States, and against intrusions on their lands. 6. To obtain for the whites a similar protection against the crimes of Cherokees. 7. To promote the cultivation of the soil, civilisation, and a regular government among the Cherokees.

We have stated the common objects of these treaties, because they seem to us, without examining any particular provisions, to show the dealings between two nations, both sovereign, but one living under the protection of the other; which we suppose to have been the actual relation of the parties. Most of these objects have, we believe, been in general effectually accomplished.* But the legislation of Georgia has brought before the President and Congress, whose protection the Cherokees have invoked, the question as to the meaning of the guarantees, and the duties of the United States.

The words of the treaty of Holston are,—‘The United States solemnly guaranty to the Cherokee nation, all their lands not hereby ceded.’ The treaty of 1798, also, declares that the United States ‘will continue the guarantee of the remainder of their [the Cherokees,] country forever, as made and contained in former treaties.’ These guarantees are still in force, extending to all lands which have not been subsequently ceded. But Georgia now contends, that they were intended to secure to the Indians, not the sovereignty, but merely the occupancy of their territories; and that the guarantee even of this occupancy must cease to operate, whenever Georgia chooses to exercise her sovereign authority and turn the Cherokees out of possession. On the other hand, it is said that the guarantees were absolute, both of the soil and jurisdiction as then exercised by the Cherokees, against the United States, every individual State, and all foreign nations.

* A controversy now exists between the State of Georgia and the Cherokees, with regard to a portion of territory which is claimed by Georgia as having been ceded by the Creeks, and which is claimed by the Cherokees as a part of their territory; the question being as to what was the true boundary between the Creeks and Cherokees. We have avoided entering into this question, as we have no room to discuss it. For the same reason we have not examined in the text, the right to the occupation of improved lands, which have been left by emigrating Cherokees, within the acknowledged Cherokee territory. We trust that our silence will not be regarded as an acknowledgement that the Cherokees are wrong on either of these questions.

That the latter was the meaning, as understood by the parties when the treaties were made, is almost too obvious for argument. They were made with the Cherokees as a sovereign nation. The land secured to them is called 'their country.' It is secured to them as a nation. Such a guarantee to a nation, cannot have the meaning which would be attached to a similar covenant with an individual. When a territory is guaranteed to a nation, the jurisdiction is necessarily implied. It is evident that the Cherokees understood such to be the meaning, for in the very treaty of Holston, in which one of the guarantees occurs, they acknowledge themselves to be under the protection of the United States, and of no other sovereign, and stipulate not to hold any treaty with any foreign power or individual State. Is it not clear, from these expressions, that they could have no suspicion of any latent claims of jurisdiction on the part of Georgia?

On the other hand, the construction contended for by Georgia, is not only at variance with the plain meaning and obvious intent of these guarantees, but defeats the very object for which they were made. The Indians feared the encroachments of the whites upon their territories. The guarantees were given to quiet their fears, and protect them against the power of their neighbours. There can be no mistake in the meaning of the words. A guarantee is a protection against all claims, unless some are expressly excepted. The remarks in the Essays of William Penn, upon the guarantee in the treaty of Holston, are unanswerable.

'The seventh article is short, and will bear repeating.—It reads thus: "THE UNITED STATES SOLEMNLY GUARANTY TO THE CHEROKEE NATION ALL THEIR LANDS NOT HEREBY CEDED." This seems to be, upon the face of it, a plain sentence. A man of moderate information would at least suppose himself to understand it. He would not suspect that there was a secret, recondite meaning, altogether incompatible with the apparent one. But it seems that there *was* such a meaning. How it was discovered, or by whom, the public are not informed. The present Secretary of War, however, has lately adopted it, and urged it upon the Cherokees as decisive of the whole question at issue. The true meaning of the article, then, as explained by a public functionary thirtyeight years after it was made, would have been accurately expressed as follows: "*The United States solemnly declare, that the Cherokee Indians have no right nor title to any lands within the territory of the United States, as fixed by the*

treaty of 1783; but the United States permit the Cherokees to remain on the lands of North Carolina, South Carolina, and Georgia, (south and west of the above described boundary,) until the said States shall take possession of the same."

'This is the guarantee of the Cherokee country! It is certainly the interpretation of the Secretary of War. How would other treaties bear a similar explanation? The newspapers tell us, that Russia, Great Britain, and France, have engaged to *guaranty* the territory of Greece within certain limits. Does this mean that the Greeks are to be permitted to live, for the present, on lands which belong to the Turks; but that the Turks, whenever they please, may take possession of their own lands, and massacre the Greeks?

'The Federal Constitution says, (Art. IV. sec. 4,) "The United States shall *guaranty* to every State in this Union, a *Republican form of government*;" the true meaning of which may hereafter appear to be as follows: "The United States shall *permit* each State to have a Republican form of government for the present; and until a *monarchical form of government* shall be imposed upon the people thereof."

'The true meaning of an instrument is that which was in the minds of the parties, at the time of signing. Can the Secretary of War prove that General Washington understood the treaty of Holston, according to the explanation now given? Can he prove that the Cherokee chiefs and warriors understood it in the same manner? Surely he would not have it signed and ratified in one sense, and carried into effect in a totally different and opposite sense. He must therefore suppose, that the Cherokees intended to admit that they had no right to "their own lands;" and that they stood ready to remove whenever requested. But he must allow, that, if this were the meaning of the parties, it was very strangely expressed; and however sincerely he may entertain the newly discovered opinion as to the meaning, he may still find it extremely difficult to convince the world that he is right.'—*Essays*, pp. 26, 27.

The following passage from the speech of Mr Frelinghuysen, will show that these guarantees were not provisions thrown into the treaties hastily or accidentally—mere words of pomp and form, to signify something or nothing, as might be convenient—but inserted on mature deliberation.

'The annexed extract from the Journals of the Senate illustrates the principles of Washington's administration. It follows:

"SATURDAY, August 22, 1789.

"The President of the United States came into the Senate,

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attended by General Knox, and laid before the Senate the following statement of facts, with the questions thereto annexed, *for their advice and consent.*"

'This was a most important document. It developed all the collisions that existed between the Indian tribes and the States; and referred to the consideration of the Senate certain leading principles of policy which he thought it was wise to pursue.

'These principles are embodied in seven distinct interrogatories; the fourth of which submits to the Senate "whether the United States shall solemnly guaranty to the Creeks their remaining territory, and maintain the same, if necessary; *by a line of military posts.*" This question "was wholly answered in the affirmative" by that body, and the blank (for an appropriation of necessary funds) was ordered to be filled at the discretion of the President of the United States. Again, on the 11th of August, 1790, President Washington sent a special message to the Senate by his Secretary, the subject matter of which he introduces by the following suggestion:

"*Gentlemen of the Senate:*

"Although the treaty with the Creeks may be regarded as the main foundation of the future peace and prosperity of the Southwestern frontier of the United States, yet, in order fully to effect so desirable an object, the treaties which have been entered into with the other tribes in that quarter must be *faithfully performed* on our part."

'He then proceeds to remind the Senate, that, by the treaty with the Cherokees, in November, 1785, (the treaty of Hopewell,) "the said Cherokees placed themselves under the protection of the United States, and had a boundary assigned them;" that the white people settled on the frontiers had openly violated the said boundary, by intruding on the Indian lands; that the United States in Congress assembled, on the first day of September, 1788, had, by their proclamation, forbidden all such unwarrantable intrusions, enjoined the intruders to depart without loss of time; but that there were still some refractory intruders remaining. The *President* then distinctly announces his determination to exert the powers entrusted to him by the Constitution, in order to carry into faithful execution the treaty of Hopewell, unless a new boundary should be arranged with the Cherokees, embracing the intrusive settlement, and compensating the Cherokees in the cessions they shall make on the occasion. And in view of the whole case, he requests the advice of the Senate, whether overtures shall be made to the Cherokees to arrange such new boundary, and concludes his communication with the following emphatical question: "3d. Shall the United

States stipulate solemnly to guaranty the new boundary which may be arranged?"

'It produced as pointed a response—for the Senate

"*Resolved*, In case a new or other boundary than that stipulated by the treaty of Hopewell, shall be concluded with the Cherokee Indians, that the Senate do advise and consent solemnly to guaranty the same." A new boundary was arranged by a second treaty; the solemn guarantee was given to the Cherokees; and cogent, indeed, should be the causes that now lead us to think or speak lightly of such sacred obligations.'—pp. 4, 5.

The construction of the guarantees, contended for by Georgia, would also defeat other important objects in these treaties. Special provisions, for instance, were introduced, to prevent intrusion of the whites upon the lands of the Cherokees, and to give the United States the power to regulate trade with them. If Georgia, or any other State, could destroy the jurisdiction of the Cherokees, and extend its own jurisdiction over any part of their territories, and seize their lands, it would deprive the Cherokees of the power which the treaty gives them of punishing intruders, and would take away the power of the United States to regulate trade with them.

Many other provisions of these treaties are equally inconsistent with the new Georgia doctrines; and serve also to show how these guarantees are to be understood. By the treaty of Hopewell, the punishment of the innocent for the guilty, under the idea of retaliation, is not to be practised, except there is a violation of the treaty; 'and then it is to be preceded first by a demand of justice, and if refused, then by a declaration of hostilities.' Is not this the language of independent nations? Is not the declaration of hostilities one of the highest acts of sovereignty? The Cherokees, whom Georgia supposes to be within her jurisdiction, and component parts of the State, have the undoubted right of making war; a right of which the Constitution deprives the whole State. If the Cherokees were under the jurisdiction of Georgia, this provision of the treaty would be absurd and unmeaning.

The treaty of Holston establishes peace between the United States and the Cherokees. This admits that the Cherokees were a distinct nation, and had the power of making war and peace; powers, as we have already remarked, utterly inconsistent with the claims of Georgia.

In these treaties, the citizens and inhabitants of the United

States are often spoken of, as contradistinguished from the Cherokees. But if the Cherokees were under the jurisdiction of Georgia, they would be inhabitants of Georgia, and therefore of the United States. The words show that these Indians were not supposed to be subjects of the United States, and of course not of any one of the States. By the tenth section of the treaty of Holston, Cherokees stealing horses from, or committing capital crimes against citizens or inhabitants of the United States, are to be delivered up to be punished by the laws of the United States. If the Cherokee territory were within the jurisdiction of individual States, this provision could not be tolerated; for the offence would then be against the sovereignty of the State within whose chartered limits it was committed. The United States claim to punish in these cases, not by virtue of a jurisdiction within the Cherokee territory, but for the security of persons who are under their protection; and to do this, a treaty stipulation is thought necessary. It is also to be observed, that the United States, even by treaty, do not ask for any right for their civil officers to enter on the Cherokee territory, but the Cherokees, as a sovereign power, agree to deliver up offenders.

By the eighth section of the treaty of Holston, if any citizen, or other person not an Indian, 'shall settle on the Cherokees' lands, such person shall forfeit the protection of the United States, and the Cherokees may punish him or not, as they please.' Is not this an explicit acknowledgement of a government of the Cherokees, which has jurisdiction within their territories? Yet how can the Cherokees execute the power implied in this article, if Georgia may take away their government?

By the eleventh section of the same treaty, it is provided that, 'if any citizen or inhabitant of the United States, or of either of the territorial districts of the United States, shall go into any town, settlement, or territory belonging to the Cherokees, and shall there commit any crime upon, or trespass against the person or property of any peaceable and friendly Indian or Indians, which, if committed within the jurisdiction of any State, or within the jurisdiction of either of the said districts, against a citizen or any white inhabitant thereof, would be punishable by the laws of such State or district, such offender or offenders shall be subject to the same punishment, and shall be proceeded against in the same manner as if the offence had been committed within the jurisdiction of the State or district to which

he or they may belong, against a citizen or white inhabitant thereof.' Can any stronger language be devised to show that the Cherokees are not within the jurisdiction of Georgia? It is stronger than a direct affirmation that the Cherokees are not within the jurisdiction of any State. From such an affirmation we might have been led to suppose that there had been some doubt upon the subject. The words used show that it was an admitted fact, which no one thought of questioning.

The Cherokees agree, in various treaties, to allow roads to pass through their territories, and to allow a free passage on them for citizens of the United States. Yet if these lands were within the State jurisdictions, no such agreement of the Indians was necessary. If they were only occupants of the land, and had no jurisdiction over it, the respective State authorities ought to have made these roads, and they could not have been made except under an authority from a State.

By the treaty of January 7, 1806, two tracts of land are reserved out of a cession made by the Cherokees; the first to be the common property of the Cherokees who then lived on it, the other to be considered the property of two persons who are named. An appropriation of land in this manner by the Cherokees, is utterly inconsistent with the Georgia doctrine with regard to their rights. It is an entire disposition of lands, as if the Cherokees were complete owners, and not mere occupants. No application to the State was supposed necessary to give effect to these reservations.

By the same treaty, the United States agree to use their influence and best endeavours to prevail upon the Chickasaws to agree to a certain boundary between them and the Cherokees; but, in order that there may be no misunderstanding, it is added, 'that the United States do not engage to have the aforesaid boundary or line established, but only to endeavour to prevail on the Chickasaw nation to consent to such a line.' Here, certainly, seems a very needless formality, with regard to two little nations, whose rights to land were so precarious as is represented by Georgia. Indeed, the variety of modes, in which the Cherokees' ownership of their lands is expressed in these treaties, is well worth remarking, being entirely at variance with the theory of Georgia. In the treaty of Hopewell, their lands are called 'their hunting grounds;' in the treaty of Holston, the 'Cherokees' lands,' the 'lands of the Cherokees,' the 'Cherokee country,' 'territory belonging to the Chero-

kees.' In the treaty of 1798, they are designated as 'Indian lands,' 'Indian land,' the 'lands of the Cherokees.' In several treaties, they are spoken of as 'their country.' In the treaty of 1816, they are called 'their lands;' in that of 1817, 'lands to them belonging.' All these expressions show an absolute ownership, which neither party thought of questioning.

It is agreed in the treaty of March 2, 1816, that 'the citizens of the United States shall freely navigate and use as a highway, all the rivers and waters within the Cherokee nation.' If this territory was within the jurisdiction of any State or of the United States, no such stipulation would be necessary.

The object of the treaty of September 14, 1816, as stated in the preamble, is, 'to remove all future causes of dissension, which may arise from indefinite territorial boundaries.' This is the language of sovereign nations. No intimation is given, that the territories of the United States are held by a higher or a stronger title than those of the Cherokees.

The preamble of a treaty made with the Cherokees, July, 1817, recites that, in 1808, a deputation from the upper and lower Cherokee towns went to Washington; the first named to declare to the President 'their anxious desire to engage in the pursuits of agriculture and civilized life in the country they then occupied,' and 'the impracticability of inducing the nation at large to do this, and to request the establishment of a division line between the upper and lower towns, so as to include all the waters of the Hiwassee river to the upper towns, that, by thus contracting their society within narrow limits, they proposed to begin the establishment of fixed laws and a regular government: the deputies from the lower towns to make known their desire to continue the hunter life, and also the scarcity of game where they then lived,' and 'their wish to remove across the Mississippi river, on some vacant lands of the United States.' It further recites, that the President answered the petitioners as follows:—'The United States, my children, are the friends of both parties, and, as far as can be reasonably asked, they are willing to satisfy the wishes of both. Those who remain may be assured of our patronage, our aid, and good neighbourhood. Those who wish to remove, are permitted to send an exploring party to reconnoitre the country on the waters of the Arkansas and White Rivers. * * * When this party shall have found a tract of country suiting the emigrants, and not claimed by other Indians, we will arrange with them

and you the exchange of that for a just portion of the country they leave, and to a part of which, proportioned to their numbers, they have a right. * * * When established in their new settlements, we shall still consider them as our children, * * * and always hold them firmly by the hand.' In order to carry the objects, expressed in the preamble, into effect, the Cherokees ceded a tract of country, part of which fell to Georgia, in exchange for land between the Arkansas and White Rivers, to which those desirous of living as hunters, were to remove.

The preamble to the treaty, made in 1819, having stated, that 'a greater part of the Cherokee nation have expressed an earnest desire to remain on this side of the Mississippi,' and that they wish 'to commence those measures, which they deem necessary to the civilisation and preservation of their nation,' the Cherokees, therefore, cede a tract of land to the United States; the ceded territory being supposed to be at least as much as the United States would be entitled to under the treaty of 1817. Part of the ceded land fell into Georgia. One of the express objects, then, of this treaty, as well as of that of 1817, was to assist the Cherokees, remaining on this side of the Mississippi, in carrying into effect their designs 'for the establishment of fixed laws and a regular government,' and 'for the civilisation and preservation of their nation.'

If Georgia denied that the Cherokees were a sovereign nation, having an inherent right to improve their own government and laws, she should have immediately refused these cessions. But, by accepting them, she recognised that right; and it is now a breach of good faith on her part to deny it. She takes all lands which the Cherokees cede, and yet denies them the right of improving their government, the very consideration for which the cessions are made.

The ninth article of the treaty of 1817, by which the exchange of lands was made, declares, that 'nothing in the foregoing articles shall be construed so as to prevent any of the parties so contracting from the free navigation of all the waters mentioned therein.' This provision could have been introduced only on the supposition, that, without it, the grant of land to the Arkansas Cherokees, then becoming an independent nation, would deprive the citizens of the United States of the right of navigating the waters within the territory granted, unless it was expressly retained.

We have cited but a few passages in the treaties. We might have brought forward many more. Indeed, their whole spirit and object is adverse to the claims of Georgia; and there is scarcely an article in any one of them which does not assert or imply something irreconcilable with her sovereignty over these unfortunate Indians. On the other hand, search these voluminous instruments through, and not one sentence can be found in which either the United States assert, or the Indians recognise, any jurisdiction on the part of Georgia; not one sentence, which any ingenuity can torture into a plausible argument in support of her present pretensions.

But the United States have not only entered into treaties with the Cherokees, but they have made laws to execute those treaties with good faith. On March 30, 1802, an act was passed by Congress to regulate trade and intercourse with the Indian tribes. This act, however, did not introduce a new system; for most of its important provisions are to be found in preceding temporary acts on the same subject, the first having been made as early as 1790. Indeed, before the formation of the Federal Government, some of the measures of Congress were parts of the same system, being a continuation of the policy previously adopted by the British government. As this act, which is still in force, shows clearly the relation in which the Indian tribes were then considered as standing to the United States, we shall examine some of its provisions.

It is provided by the first section, that the boundary line, 'established by treaty between the United States and various Indian tribes, shall be clearly ascertained and distinctly marked;' which line is then stated, including the line established by treaty of October 2, 1798, with the Cherokees. Should this boundary line be varied afterwards, the provisions of the law are to apply to the new boundary line.—It will be observed, that the line is to be established between the United States and the Indian tribes. This is natural language. It shows that Congress then understood, that the Indian nations, on our frontiers, were not, except in a very modified sense, within the United States.

The second section makes it an offence, punishable by fine and imprisonment, for 'any citizen, or other person resident in the United States,' to cross over the boundary line to hunt, or to destroy game, or to carry horses or cattle 'to range on

any lands allotted or secured by treaty to any Indian tribes.' It is evident from this provision, that the Indians are not considered as residents in the United States.

The third section makes it an offence, punishable by fine and imprisonment, for any such person to 'go into any country which is allotted or secured by treaty,—to any of the Indian tribes south of the river Ohio, without a passport—from the Governor of some one of the United States, or the officer of the troops of the United States, commanding at the nearest post on the frontiers, or such other person' as the President may authorise to grant the same.—The Indian territory is so far from being within any State jurisdiction, that no person is authorised even to enter upon it without a passport.

The fourth section provides, that if any such citizen, or other person, shall go into any 'territory belonging, or secured by treaty with the United States, to any nation or tribe of Indians, and shall there commit robbery, larceny, trespass, or other crime, against the person or property of any friendly Indian or Indians, which would be punishable, *if committed within the jurisdiction of any State* against a citizen of the United States; or, unauthorised by law, or with a hostile intention, shall be found on any Indian land,' such offender shall receive the same punishment as is provided in the second section.—This section is nearly in the words of the eleventh section of the treaty of Holston, already commented upon. It shows, conclusively, if anything further were wanted for this purpose, that the Indians were still considered as not within the jurisdiction of any State.

By the fifth section, persons making settlements on Indian territories, or surveying, or attempting to survey them, forfeit a sum not exceeding one thousand dollars, and suffer imprisonment not exceeding twelve months; and the President is authorised to adopt such measures and employ such military force, as he may judge necessary to remove such intruders, making, or attempting to make, a settlement on the Indian territories.

The twelfth section provides, 'that no purchase, grant, lease, or other conveyance of lands, or of any title or claim thereto, from any Indian, or nation or tribe of Indians, within the bounds of the United States, shall be of any validity in law or equity, unless the same be made by treaty or convention, entered into pursuant to the Constitution.' Negotiating such a treaty without the authority of the United States, is punishable by fine and

imprisonment.—This section, like the rest, takes for granted that no State has any right of jurisdiction over the Indians. For if any of them were a part of the population of a State, the United States could not thus interfere to prevent purchases from them, if made under the State authority. It is not allowable to obtain land from the Indians by purchase or cession, unless made under the authority of the United States. Yet this provision is nugatory, if a State, as is now pretended, may take their lands from them by force, without any purchase.

The fourteenth section provides, that if any Indian shall cross over the boundary line 'into any State or Territory inhabited by citizens of the United States,' and steal or destroy any property 'belonging to any citizen or inhabitant of the United States,' or of any territorial district, or shall commit murder, violence, or outrage upon any such citizen or inhabitant, application may be made on behalf of the injured party, through the Superintendent or other person authorised by the President, to the nation or tribe to which the Indian belongs, for redress. If they refuse to make satisfaction in a reasonable time, it becomes the duty of the Superintendent, or other commissioner, to make return to the President of his doings, and of the evidence in the case, that such further steps may be taken as are proper. The United States guaranty the party whose property has been stolen or destroyed, against eventual loss, provided he does not attempt to obtain satisfaction or revenge himself, in violation of this act; and the President may deduct the sum paid for the property stolen or destroyed, out of the annuity of the tribe to which the Indian belongs. This act is not to prevent the legal arrest of the Indian offender 'within the limits of any State or district.'—Similar remarks are applicable to this section as to those which precede it. It is taken for granted, that the Indian territory is not within 'the limits of any State or district;' that the process of the United States does not run into it; that unless the offender is taken somewhere out of the Indian territory, he cannot be punished, except his tribe or nation will give him up. If they should refuse to do so, no punishment for him is provided by the law. The case is exactly that of any other offender, who should take refuge in a foreign country.

The sixteenth section declares it to be lawful 'for the military force of the United States to apprehend every person who shall or may be found in the Indian country, over and beyond the said boundary line between the United States and the said In-

dian tribes, in violation of the provisions or regulations of this act, and him or them immediately to convey, in the nearest convenient and safe route, to the civil authority of the United States in some one of the three next adjoining States or districts, to be proceeded against in due course of law.'

The seventeenth section authorises the military force to be called out in aid of the civil magistrate, to arrest offenders against this law, found within any of the United States.

We may make the same remark upon this act, that we have made upon the treaties. Its whole object is utterly irreconcilable with the positions taken by Georgia. The main design is to protect the Indians against the whites. It can hardly be pretended, that, if this statute is enforced, the Georgia statute can be carried into operation. The opinions which it expresses as to the rights of the Indians, conform entirely to the practice of the British government before the revolution, and of the American government, both before and since the passage of the act, down to a very recent period.

The case of *Fletcher vs. Peck*, decided by the Supreme Court of the United States, in 1810,* is confidently appealed to by the Committee of the Georgia Legislature, as supporting their positions. But this case, so far from supporting, is entirely at variance with them. The question presented in it was, whether Georgia was seized in fee of lands occupied by free Indian nations within the chartered limits of the State. The decision of the court was, that Georgia was so seized. Chief Justice Marshall concludes the opinion of the court by saying, 'Some difficulty was produced by the language of the covenant and of the pleadings. It was doubted whether a State can be seized in fee of lands, subject to the Indian title; and whether a decision, that they were seized in fee, might not be construed to amount to a decision that their grantee might maintain an ejectment for them, notwithstanding that title. The majority of the court is of the opinion that the nature of the Indian title, which is certainly to be respected by all courts, until it be legitimately extinguished, is not such as to be absolutely repugnant to seisin in fee on the part of the State.'

This decision merely proves, that the interest of Georgia in the Indian territories, was a seisin in fee; that is, such a title as might be conveyed, it having been contended by one party in

* 6 Cranch, 87.

the case, that it was a mere possibility, which could not be granted. But the case is entirely fatal to the present assumptions of Georgia. In the opinion of the Supreme Court, the interest of the State is *subject to the Indian title*;—according to the Georgia statesmen, the interest of the State is paramount. In the opinion of the Supreme Court, a purchaser under Georgia could not maintain an ejectment; that is, could not turn the Indians out of possession;—according to Georgia, he might turn them out at any moment. In the opinion of the Supreme Court, the *Indian title is to be respected in all courts, until it be legitimately extinguished*;—according to Georgia, the Indian title is a nullity. It should also be borne in mind, that these acknowledgements of Indian rights, are made in a case in which they are not represented, in which their title is not brought directly, but only incidentally into question, in a controversy between other parties. Can it be doubted that their title will still be respected, when it is brought directly before the court?

We do not think it necessary, in a publication of this kind, to go into an examination of the case of *Johnson vs. Mackintosh*, reported in the eighth volume of *Wheaton*, which is often spoken of in connexion with this subject. It is sufficient to say, that the right of the Indians to the possession of their lands, until their title is legitimately extinguished, is fully recognised in this decision, and their right of self-government is not questioned.

The articles of agreement of 1802, between the United States and Georgia, have been much relied upon, in support of the pretensions of the latter. It has, however, been justly remarked, that the Cherokees were no parties to that agreement, and therefore that their rights could not be affected by it. But admitting, for a moment, that they could be so affected, we shall find that these articles leave them wholly untouched.

We have already spoken of the controversy which existed between the United States and Georgia, as to which of them succeeded to the rights of the British crown in the vast territories occupied by free Indian nations, but comprised within the chartered limits, as they are called, of Georgia. The Constitution of Georgia, dated May 30, 1798, with a view to this controversy, declares the boundaries of the State, which are made to extend from the Atlantic to the Mississippi, ‘including and comprehending all the lands and waters within the said limits, boundaries, and jurisdictional rights.’ These boundaries, of course, comprise the disputed Cherokee territory. It also declares, ‘that

all the territory without the present temporary line, and within the limits aforesaid, is now, of right, the property of the free citizens of this State, and held by them in sovereignty, inalienable but by their consent ; provided, nevertheless, that nothing herein contained shall be construed to prevent a sale to, or contract with, the United States by the Legislature of this State, of and for all or any part of the western territory of this State, lying westward of the river Chatahoochee, on such terms as may be beneficial to both parties, and may procure an extension of settlement, and an extinguishment of Indian claims, in and to the vacant territory of this State, to the eastward and north of the said river Chatahoochee, to which territory such power of contract or sale shall not extend.'

In order to terminate the controversy in question, certain articles of agreement and cession, not a treaty, were entered into by the parties, on the 20th of April, 1802.

By the first article, Georgia cedes to the United States, 'all the right, title, and claim which the said State has to the jurisdiction and soil' of certain lands, which are now included within the territorial limits of Mississippi and Alabama, on condition of the United States paying Georgia one million two hundred and fifty thousand dollars, out of the first net proceeds of the sales of land, and certain other conditions, among which is the following ;—'That the United States shall, at their own expense, extinguish, for the use of Georgia, as early as the same can be peaceably obtained on reasonable terms, the Indian title' to certain Creek lands, and 'shall, in the same manner, also extinguish the Indian title to all the other lands within the State of Georgia.' By the second article, the United States accept the cession, and 'cede to the State of Georgia whatever claim, right, or title they may have to the jurisdiction or soil of any lands lying within the United States, and out of the proper boundaries of any other State, and situated south of the southern boundaries of the States of Tennessee, North Carolina, and South Carolina, and east of the boundary line herein before described.'

The object of these articles of cession, was, to settle a dispute between the United States and Georgia, and not to ascertain the rights of the Indians ; yet, even here, the Indian title is honestly recognised by both parties. It is a title which is to be extinguished by the United States at their own expense. It is therefore a title of some value, and which must be paid for.

Yet Georgia now pretends that the Indians have no title at all to their lands, that they reside there merely by her permission, as tenants at her will. The United States are to obtain this title 'peaceably.' Why? Because both Georgia and the United States felt that it would be cruel and unjust to acquire it in any other manner, and that neither of them had any right to expel the Indians by force. Yet Georgia now asserts, that she has the right to drive them from their country by open violence. Further, the United States are not obliged to acquire this title, except on 'reasonable terms.' Why is this stipulation? Evidently, because both parties knew that the Indians might lawfully refuse to quit their lands, except on terms which the United States might consider unreasonable, and in such case that the United States could not carry this compact into effect. Yet, if the present doctrines of Georgia be sound, she would be justified in teaching reason to the Indians at the point of the bayonet. The Cherokees would hardly hesitate to accept any terms offered by the United States, if the militia of Georgia might lawfully be used to enforce them.

The assertion of sovereignty and jurisdiction in the Constitution of Georgia, is made in sounding terms. Yet these swelling words were aimed at the United States, not at the Indians. The Indian claims to territory are fully recognised; and the legislature is authorised to procure an extinguishment of these claims, and an extension of settlement into this Indian territory, by a bargain with the United States, as was afterwards done. The people of Georgia then knew, and declared in this solemn instrument, which in this part of it is drawn with evident care and deliberation, that they could not rightfully extend their settlements into the Indian territory, until the title of the Indians was extinguished by their own consent.

Georgia has chosen to accuse the United States of not having performed their part of the contract. This is most unreasonable; for every exertion has been made by the National Government to purchase the lands of the Cherokees; but for many years past they have utterly refused to make any further cession. The United States have, at a great cost, extinguished the Indian title to more than twentyone million acres in Georgia. It is no fault of theirs, that the Cherokees refuse to make any further cessions.

But it is argued that the United States have ceded the jurisdiction and soil of this territory, to Georgia. What is ceded,

however, is only the claim and title of the United States to the jurisdiction and soil, whatever that claim and title may be ; and this claim and title are still subject to the Indian title, which is not, and was not intended to be affected by the cession. Georgia gained by these articles, an undisputed title to the soil and jurisdiction of the Indian territory, whenever the Indian title should be extinguished, but not till then. This was all the United States ever claimed ; this was all they could, and all they intended to surrender.

Whatever claims Georgia may have under this contract with the United States, the States of Alabama and Mississippi have none. When the Indian title is extinguished to any part of the territory within those States, the soil belongs to the United States, and the jurisdiction to Alabama or Mississippi, in the same manner as in other new States formed out of the territories of the United States.

We shall not attempt to go into a particular examination of the rights of the three Indian nations, over whom Alabama and Mississippi are endeavouring to extend jurisdiction. It is sufficient to observe that these rights, as far as they are involved in the present controversy, are substantially the same as those of the Cherokees. They have entered into many treaties with the United States, very similar, not only in their general character, but in their particular provisions, to those of the Cherokees. The provisions of the intercourse law apply equally to them ; and they have hitherto continued under their own governments, entirely independent of Alabama and Mississippi.

It remains to consider what measures ought to be adopted by the United States, to afford that protection to their allies, to which they are bound by so many treaties, and urged by every feeling of justice and humanity. It seems to us, that the provisions of the intercourse law, if duly carried into effect, are, in themselves, sufficient for this purpose. Any citizen going into the territory of the southern Indians without a passport, is, as we have seen, subject to fine or imprisonment. Any State officer, therefore, by crossing their line, makes himself liable to this penalty. Any person going into their territory, and committing any crime or trespass against the person or property of an Indian, is liable to a similar punishment. A State officer, serving process by arresting the body, or seizing the property of an Indian, makes himself liable to this punishment ; for, since the individual States have no jurisdiction over

the Indian territory, the officer is a trespasser, though acting under the forms of law. The military force of the United States is authorised by the act, to seize upon any persons going into the Indian territory in violation of its provisions, and to convey them to a neighbouring State for trial by the civil authorities. We think that it is clearly the duty of the President to issue orders to the military commanders now among the southern Indians, who are threatened with State jurisdiction, to seize upon all sheriffs, constables, and other civil officers, who, in any way, violate the act of 1802, although by virtue of any assumed State authority. This prompt interference would immediately bring the question of State jurisdiction before the United States' tribunals. If the President should not pursue this course, which is hardly to be expected with the opinions which he has avowed, Congress, at their next session, ought to pass an act, levelled more directly at the unconstitutional laws of the three States. Such an act, or, at least, resolutions declaratory of the Indian rights and of the obligations of the United States to protect them, ought to have been passed at the last session. We trust that the subject will soon be brought before the National Legislature, and such measures adopted as the urgency of the case demands.

We cannot forbear to remark, that the President, in refusing to give the Indians the protection which the treaties and laws bind him to do, has assumed a high and extraordinary responsibility. It appears from the letter of the Secretary of War, that the President thinks that he cannot, consistently with the Constitution, oppose the sovereign State of Georgia, in any assumption of jurisdiction, and he therefore declines assisting the Cherokees. But the President is not the officer to decide on the constitutionality of statutes. The Congress which passed the act, the Presidents and Senates who ratified the treaties, held them to be constitutional, and were the proper judges on this point, in the first instance. It is the duty of the Executive to enforce them, until the proper tribunal, the Court of the United States, has decided them to be unconstitutional. The consequences of the President's assuming this power to judge of the constitutionality of laws and treaties, are most alarming. In the present case, the effect may be, from a mere constitutional scruple, to place the Indians, the party which has the apparent right, at the mercy of the three States, until the highest court shall have decided the question, which it may

not do for months or years. If the President may thus refuse to obey a statute in one instance, he, and other officers, may in others. The moneys, voted by Congress for internal improvements, or any other object, may be stopped, if the Secretary of the Treasury thinks such appropriations unconstitutional. If he has a similar scruple with regard to any act for increasing duties, he may send orders to every collector in the country to cease to receive such duties.

We have, thus far, considered the rights of the Cherokees upon strict legal principles. But, if the actual relations and condition of the Cherokees, the United States, and Georgia be regarded, without any minute criticism of written documents, we can entertain no doubt of the obligation of the United States and of Georgia, to assist and protect, not to crush and oppress this remnant of the great family of nations, which once overspread this country. The Cherokees are now a feeble tribe. They have long lived under the protection of the United States, and have usually been treated by the government with kindness and generosity. Hitherto they have enjoyed their own laws and customs. They have been assisted by the United States in making advances in civilisation. Under this fostering care, they are advancing in wealth, and beginning to realize the blessings of moral and religious culture. They have adopted a form of government suited, as they believe, to their condition. They and their ancestors, have, from time immemorial, occupied the country in which they now reside. They are deeply attached to their native soil, and wish to live under their own institutions. They believe, if the laws of the States should be extended over them, that all hopes of further improvement must vanish; that, remaining in their present abodes, their nation must perish in contact with the worst part of the white population; or, retiring beyond the Mississippi, they must suffer hardships in the removal, at which humanity shudders, be wasted in making a new settlement, and perhaps destroyed by hostile barbarians. Whether their fears are well or ill founded, it seems scarcely to admit of a question, that the great mass of the Cherokee nation is resolved not to remove, unless compelled to do so by an irresistible force. The State of Georgia, with a very moderate population, possesses a great territory. She has yet room for a vast increase of numbers within her acknowledged limits. She is not driven by a pressure of population within her own domains, to seize upon the

territories of her neighbours. She cannot now fear them as hostile savages; for their savage habits are lost, and the laws afford ample protection to her frontiers. It has not been pretended, that her legislation has been actuated by any fears of this kind. If we should admit, then, that the pretensions of Georgia could be supported on strict legal principles, yet humanity and justice present claims for the Cherokees, which nothing but cold and calculating avarice can resist. But the Cherokee lands are rich with gold; to add them to Georgia would improve the shape of the State, and they might be disposed of by a land lottery, or preserved for future sales, as a certain source of revenue. These are the true reasons for which Georgia is willing that the property and lives of the Cherokees should be sacrificed, her own character stained, and the faith of the nation, pledged in fifteen treaties, violated. But we hope that we are judging too severely of Georgia. We trust that her citizens have not perceived the fatal consequences of the course of measures, which she is now pursuing, and have not felt their deep injustice. Before they proceed in their work of destruction, let them again consider their own strength and the weakness of their neighbours. Let them reflect on the law of kindness which is taught by nature and religion, and be sure that they are not going to transgress it. Let them scrutinize their own motives, and the arguments by which they support the policy of their State. Let them reflect on the words of Washington,—‘Whenever I have been called upon to decide between an Indian and a white man, I have always found that the white man had been the aggressor,’—and be sure that they are not earning the bitter reproach which his language conveys.

The removal of the Indians beyond the Mississippi, supposing it to be made with their free consent, has been a favorite object with some of our statesmen. The policy of such a measure, under any circumstances, seems to us extremely doubtful. But we have not room to discuss the question. Nor is it necessary; for Mr Everett, in his speech, has most thoroughly examined the whole subject. He has shown, that to urge the Indians to remove at the very time that the States are suffered to extend jurisdiction over them, is to remove them by force. He also demonstrates the extreme suffering to which a general removal must expose the Indians, the enormous expense in which it must involve the United States, and

the melancholy ill success which has attended former experiments of the kind. The following extract, from the Address of the Committee and Council of the Cherokees to the People of the United States, will show their feelings on this subject, and will be sufficient to satisfy any unprejudiced mind of the cruelty of the proposed measure.

‘ But if we are compelled to leave our country, we see nothing but ruin before us. The country west of the Arkansas territory is unknown to us. From what we can learn of it, we have no prepossessions in its favor. All the inviting parts of it, as we believe, are preoccupied by various Indian nations, to which it had been assigned. They would regard us as intruders, and look upon us with an evil eye. The far greater part of that region is, beyond all controversy, badly supplied with wood and water; and no Indian tribe can live as agriculturists without these articles. All our neighbors, in case of our removal, though crowded into our near vicinity, would speak a language totally different from ours, and practise different customs. The original possessors of that region are now wandering savages, lurking for prey in the neighbourhood. They have always been at war, and would be easily tempted to turn their arms against peaceful emigrants. Were the country to which we are urged much better than it is represented to be, and were it free from the objections which we have made to it, still it is not the land of our birth, nor of our affections. It contains neither the scenes of our childhood, nor the graves of our fathers.

‘ The removal of families to a new country, even under the most favorable auspices, and when the spirits are sustained by pleasing visions of the future, is attended with much depression of mind and sinking of heart. This is the case, when the removal is a matter of decided preference, and when the persons concerned are in early youth or vigorous manhood. Judge, then, what must be the circumstances of a removal, when a whole community, embracing persons of all classes and every description, from the infant to the man of extreme old age, the sick, the blind, the lame—the improvident, the reckless, the desperate, as well as the prudent,—the considerate, the industrious, are compelled to remove by odious and intolerable vexations and persecutions brought upon them in the forms of law, when all will agree only in this, that they have been cruelly robbed of their country, in violation of the most solemn compacts which it is possible for communities to form with each other; and that, if they should make themselves comfortable in their residence, they have nothing to expect hereafter but to be the victims of a future legalized robbery.

‘Such we deem, and are absolutely certain, will be the feelings of the whole Cherokee people, if they are forcibly compelled by the laws of Georgia to remove; and with these feelings, how is it possible that we should pursue our present course of improvement, or avoid sinking into utter despondency? We have been called a poor, ignorant, and degraded people. We certainly are not rich; nor have we ever boasted of our knowledge, or our moral or intellectual elevation. But there is not a man within our limits so ignorant as not to know that he has a right to live on the land of his fathers, in the possession of his immemorial privileges, and that this right has been acknowledged and guaranteed by the United States; nor is there a man so degraded as not to feel a keen sense of injury, on being deprived of this right and driven into exile.’

The southern Indians compose but a moderate part of the number of those who will be affected by the course of policy which our government may adopt. The writer of the *Essays* says;—

‘It is computed, that there are within our national limits more than 300,000 Indians; some say 500,000; and, in the southwest States, the tribes whose immediate removal is in contemplation, have an aggregate population of more than 60,000. The interests of all these people are implicated, in any measure to be taken respecting them.

‘The character of our government, and of our country, may be deeply involved. Most certainly an indelible stigma will be fixed upon us, if, in the plenitude of our power, and in the pride of our superiority, we shall be guilty of manifest injustice to our weak and defenceless neighbours.

‘It should be remembered, by our rulers as well as others, that this controversy, (for it has assumed the form of a regular controversy,) will ultimately be well understood by the whole civilized world. No subject, not even war, nor slavery, nor the nature of free institutions, will be more thoroughly canvassed. The voice of mankind will be pronounced upon it;—a voice, which will not be drowned by the clamor of ephemeral parties, nor silenced by the paltry considerations of local or private interest. —Any course of measures, in regard to the Indians, which is manifestly fair, and generous, and benevolent, will command the warm and decided approbation of intelligent men, not only in the present age, but in all succeeding times. And with equal confidence it may be said, if, in the phraseology of Mr Jefferson, the people of the United States should “feel power, and forget right;”—if they should resemble a man, who, abounding in

wealth of every kind, and assuming the office of lawgiver and judge, first declares himself to be the owner of his poor neighbour's little farm, and then ejects the same neighbour as a troublesome incumbrance;—if, with land enough, now in the undisputed possession of the whites, to sustain ten times our present population, we should compel the remnants of tribes to leave the places, which, received by inheritance from their fathers and never alienated, they have long regarded as their permanent homes;—if, when asked to explain the treaties, which we first proposed, then solemnly executed, and have many times ratified, we stammer, and prevaricate, and complete our disgrace by an unsuccessful attempt to stultify, not merely ourselves, but the ablest and wisest statesmen, whom our country has yet produced;—and if, in pursuance of a narrow and selfish policy, we should at this day, in a time of profound peace and great national prosperity, amidst all our professions of magnanimity and benevolence—drive away these remnants of tribes, in such a manner, and under such auspices, as to insure their destruction;—if all this should hereafter appear to be a fair statement of the case;—then the sentence of an indignant world will be uttered in thunders, which will roll and reverberate for ages after the present actors in human affairs shall have passed away. If the people of the United States will imitate the ruler who coveted Naboth's vineyard, the world will assuredly place them by the side of Naboth's oppressor.—*Essays*, pp. 4, 5.

It has been supposed, that the statute passed at the last session of Congress, was an abandonment of the Indians to the States which claim jurisdiction over them. There is no doubt, as we have before remarked, that the passage of this act was intended to assist the States in the expulsion of the Indians, and that it must encourage them to persevere in their present projects; while the entire neglect of the entreaties for protection made by the Indians, must depress them, and render them more ready to yield their rights, and retire beyond the Mississippi. Yet even in this act, we find one ray of encouragement in the proviso, that nothing in the act shall be construed as authorising or directing the violation of any existing treaty between the United States and the Indian tribes. This is a deliberate and solemn recognition by Congress of the obligation of these treaties, and an assurance that this nation will not see them violated. It is a pledge, which may be relied on with confidence, that, let the construction given to these treaties by the supreme tribunal be as adverse to the claims of the three

States as it may, this nation will enforce them, and protect the Indians, in conformity with that construction. Let the Cherokees, then, continue to maintain their rights, not by arms, but by reason, with the same temper and dignity which have marked their recent state papers, and we cannot but hope that truth and justice will finally triumph. But, whatever may be the result of the contest, they and their brethren will have, at least, the consolation that they have received the earnest support of able advocates in Congress, and the warm sympathy of a large, we believe the larger, portion of the American people.

The State of Georgia accuses the National Government of great negligence in extinguishing the Indian title, in pursuance of the articles of 1802, and even of a want of good faith. These accusations, as we have already intimated, are wholly unfounded. But yet she may have some ground of claim against the United States. It is probable, that when the articles were entered into, both parties supposed that the Indian title would be extinguished in a few years for the benefit of Georgia; and it is true, that she has not yet acquired all the lands which she expected, and is not likely soon, if ever, to acquire them. A case has occurred, which neither party, probably, contemplated, when the agreement was made. The Cherokees absolutely refuse to sell their territory. The United States, however, having done all in their power to purchase the Cherokee country, are not, perhaps, in strictness, bound to make Georgia any compensation for her disappointed expectations. But yet, we think, a liberal sense of obligation would dictate some payment to be made her for her not having received all the consideration, which she reasonably anticipated for her cession. It seems to us a case, in which the wealth of the nation might well be applied to put an end to a serious and agitating controversy, which otherwise might remain a perpetual source of uneasiness and contention. We venture, therefore, to suggest the propriety of an act of Congress being passed, authorising the payment of a sum of money to Georgia, upon her relinquishing all claim to jurisdiction over the Cherokees, and all title and claim to the soil and jurisdiction of their territory. Or an act might be passed, authorising the appointment of commissioners on behalf of the United States, to meet commissioners on the part of Georgia, by whom the terms of a compromise might be settled. By such a compromise the rights and interests of all parties would be happily adjusted. The Chero-

kees would be enabled to proceed in their experiment of civilisation and regular government under the happiest auspices, enjoying the protection and friendship of the United States, without being harassed with solicitations to remove, and freed from all fears of the encroachments of Georgia. The United States would get rid of an unpleasant dispute, avoid all danger of a collision with Georgia, and vindicate the national faith and honor; while Georgia would escape from a question, the issue of which she must admit to be extremely uncertain, and obtain full compensation for giving up a doubtful claim to a moderate territory.

The only objection to the course proposed, is the great expense in which it would involve the United States. But, even supposing that the United States would have to pay the State of Georgia, for thus relinquishing her pretensions to the five or six millions of acres owned by the Cherokees within what are called the limits of that State,* at the same heavy rate at which the Creeks were paid for their last cession, the amount would be considerably less than a million of dollars. But, considering that Georgia must be well aware how uncertain it is, whether any measures, which she can legally adopt, will ever put her in possession of the lands in dispute, the amount which she could reasonably ask would be much smaller.

If the Indian controversy should be thus disembarrassed of the claim of Georgia, the course with regard to the two other States which assert a right of jurisdiction over the free Indian nations, would be easy. The United States are not bound to either of them, to extinguish the Indian title; and the soil of all the Indian territory, over which those States claim the jurisdiction, will, when the Indian title is extinguished, belong to the United States. It will only be necessary, then, to enforce the intercourse law of 1802, according to its plain meaning, or to provide such new measures of legislation as new modes of aggression by the whites, may render necessary.

Since the foregoing remarks went to the press, we have seen the opinion of Mr Wirt, who had been consulted by the Cher-

* The authorities, which we have consulted, do not agree exactly as to the number of acres.

okees, in relation to the statute of Georgia extending jurisdiction over their territory. We are happy to find that we are fully supported in our views of the rights of the Indians by the authority of this eminent jurist. The following are the conclusions at which he arrives.

'1. That the Cherokees are a sovereign nation : and that their having placed themselves under the protection of the United States does not at all impair their sovereignty and independence as a nation. "One community may be bound to another by a very unequal alliance, and still be a sovereign state. Though a weak state, in order to provide for its safety, should place itself under the protection of a more powerful one, yet, according to Vattel (B. 1 Ch. 1 § 5 and 6.), if it reserves to itself the right of governing its own body, it ought to be considered as an independent state." 20 Johnson's Reports, 711, 712, Goodell *vs.* Jackson.

'2. That the territory of the Cherokees is not within the jurisdiction of the State of Georgia, but within the sole and exclusive jurisdiction of the Cherokee nation.

'3. That consequently, the State of Georgia has no right to extend her laws over that territory.

'4. That the law of Georgia which has been placed before me, is unconstitutional and void ; 1. because it is repugnant to the treaties between the United States and the Cherokee nation ; 2. because it is repugnant to a law of the United States passed in 1802, entitled "an act to regulate trade and intercourse with the Indian tribes, and to preserve peace on the frontiers ;" 3. because it is repugnant to the Constitution, inasmuch as it impairs the obligation of all the contracts arising under the treaties with the Cherokees : and affects moreover to regulate intercourse with an Indian tribe, a power which belongs exclusively to Congress.'

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